

PART

OF THE

SEQUEL

OF THE

HISTORICAL ACCOUNT

OF THE

CITY OF EDINBURGH'S DUTY ON ALE, &c.

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SEQUEL



OF THE

HISTORICAL ACCOUNT

OF THE

CITY OF EDINBURGH'S DUTY ON ALCOHOL

P A R T
OF THE
S E Q U E L
OF THE
HISTORICAL ACCOUNT
OF THE
City of EDINBURGH'S DUTY on ALE, and
MANAGEMENT thereof.

By *ANDREW CHALMER* Writer in *Edinburgh*.

CONTAINING

The Papers which were before the Gentlemen appointed, in *June 1752*, to examine into the Facts set forth in that Pamphlet; with Mr. *Chalmer's* Observes on the Report made by them, after Thirteen Months Dependence, without their having let him know what they were a-doing for the Seven last Months, or having shewn him the intended Report before they gave it in to the Town-Council, &c.

JOB xxvii. 5, 6.

GOD forbid that I should justify you: Till I die, I will not remove my Integrity from me.

My Righteousness I hold fast, and will not let it go: My Heart shall not reproach me so long as I live.

EDINBURGH:
Printed in the Year M.DCC.LIII.

P A R T I C I P A N T S O F T H E H I S T O R I C A L C O U N T

P. 28. Note (d) after *Person* add *except Mr. Baird.*
P. 35. L. 16. for 1710. read 1711.
P. 44. Note (f) last Line, for *it* read *them* in.



The figures which were used in the German edition of this work, to illustrate the history of the human mind, were taken from the plates of the *Encyclopædia Britannica*, and are here reproduced, as they appear in the original, with the exception of a few alterations, which have been made to conform to the style of the present edition.

PART
OF THE
SEQUEL of the HISTORICAL ACCOUNT
of the City of *Edinburgh's* DUTY on ALE, &c.

INTRODUCTION.

AFTER some Procedure upon an Indictment or Complaint, exhibited in the Name of the Procurator-Fiscal of the City of *Edinburgh* against me, as the Author and Publisher of a defamatory or injurious Libel, falsely, maliciously and scandalously representing the Administration of the Magistrates and Councils of the City for many Years, some Letters past, and an Act of Town-Council was made, *which certainly should have produced a true State of the Facts affirmed by me.*

After the Affair had been hung up for thirteen Months, in consequence of a Reference and Recommendation contained in one of these Letters, and in that Act, the Gentlemen named *for examining into the Facts*, were pleased, on the 25th of *July* last, (above seven Months from the last Day on which they ever mentioned the Affair to me) to give in to the Council a Report, without having ever shown it, or communicated a Word of its Contents to me, tho' they were indeed so good as to order their Clerk to deliver me a Copy of it *after it was given in to the Council*, which he did.

After having considered this Report again and again with Surprise, and an Increase of Surprise, and having deliberated

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with some of my Friends on the Part I should act, I, on the 31st of *July*, wrote Letters to two of the Gentlemen-Reporters, with whom I had before had some Conversation on the Subject, 'Signifying, in the general, That I thought they had 'wronged me through Inattention or Mistake, and intreating, That they would take proper Measures to prevent 'the Council's entring into any Resolution upon, or with 'respect to, the Report, for one Council Day, to the End, 'that I might have Opportunity to lay before them (the 'Reporters) some Remarks on it.'---These Gentlemen, that Day, requested the Lord Provost to move the Council for this Purpose, as one of them informed me.--- And his Lordship, the next Day, the 1st instant, as I am informed, made the Motion in Council, but, it seems, it was not listned to; the Council ordered the Report to be printed as it stood.

As I had promised to the two Gentlemen-Reporters, That, if the Motion proposed was made, and prevailed, I would not keep them long in Suspence, and had not the smallest Notion, that, coming from them, it would be rejected, I had prepared what I intended to lay before them in Form of a Letter, or Address, to the Reporters themselves—But, as the Motion was not listned to, I had no Opportunity given me of doing that.

The Design of publishing and dispersing 1500 Copies of this Report, is obvious; and the Party accused, or loaded, by it, will certainly be justified by every impartial Person, for attempting to obviate that Design, by publishing what he had said, and has to say, for himself, let it strike where, and how, it will—It is to me a more disagreeable Circumstance than could possibly have happened in the Course of the most litigious adversary Proceedings, That I should be obliged to publish such Objections to the Report of Gentlemen for whom I have the greatest Regard, and who, I am sure, would
have

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have prevented me that Necessity, if they had thought of shewing me the Report, while it was in their own Power, or if the Town-Council had restored to them the Power over it but for one Day.

I therefore here present the Publick with the following Pieces, viz.

I. The Condescendance of Particulars in my *Historical Account*, alledged by the Council to be *Wrong or Injurious*, as it was given in to the Clerk named by the Gentlemen-Examiners on the 17th of *July 1752*—Ingrossed *verbatim* in the Answers, and which may be read, *per se*, by following the capital Letters marked thereon in their alphabetical Order.

II. My Answers to that Condescendance, as given in under my Hand on the 30th of *July 1752*.

III. The Act of Council under the Authority of which this Examination proceeded, with the three Letters annexed to it.

IV. The Letter which I wrote to two of the Gentlemen-Examiners, after I had seen the Report, and The Paper of Observes on it, which I intended, and had ready, to lay before them All, if the Council had been pleased to give them Permission to take it under their Consideration, in its original Dress of a Letter to them, with Addition of a few Notes.—And,

V. Five Letters which I wrote before, and one which I wrote recently after Publication of the *Historical Account*, to Provost *Drummond*, which were by him exhibited before the Examiners-Reporters, and which are referred to in the said last mentioned Paper intended for them.

My Intention in this Publication is Two-fold, 1st. To vindicate myself to the World with respect to my Assertions in Point of Fact in the *Historical Account*, as in these Papers it will be seen how far I was wrong in any of them, and how far

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far I adhere to, and re-assert them. And, 2dly. To inform all the Members of the Town-Council of *Edinburgh* of the real State of the Facts, and of some other Things which it may not be unfit for them to take under Consideration, and have in View, for the Sake of the Community, before they bestow more of its Money on a Prosecution by which its real Interest cannot be promoted.

I have given it the Title of *Part of the Sequel of my Historical Account*, because it indeed contains but a Part even of the Sequel of the Publication: The Remainder of that, and of what I once intended for compleating the *History* itself, will, perhaps, never see the Light; as I am resolved at present it shall not, unless the Publication be rendered necessary in Self-Defence, and for doing Right to myself, or an Opportunity casts up which shall appear to be proper for its being of Service to the Community, and a Disposition shall also appear, in some considerable Number of its Members, for profiting of that Opportunity.

Edinbr. August, 1753.

ANDR. CHALMER.

P. S. I am perswaded that the Gentlemen-Reporters will not now expect, That I should put my Justification or Condemnation, in Point of Character, on their Declaration. If they find Cause to say, 'That I have formerly or now erred in Fact,' it will be incumbent on them to condescend on their Evidence; and, if they'll shew it me, I will join to their Certificate thereon, One under my own Hand; Which, I am sure, from the Reason of Things, the Nature of Mankind, and the many Methods tryed by my Prosecutor to force It from me without Conviction, must be more conclusive against me, than that of any other Five Persons in the World.

(2) [July 30. 1752.]

ANSWERS

BY

Andrew Chalmer Writer in *Edinburgh*,

TO THE

Condescendence of Particulars in the *Historical Account of the City of Edinburgh's Duty upon Ale*; which the Council conceive to be wrong or injurious; given in on their Behalf to the Gentlemen appointed Examiners or Auditors in that Affair between the Council and said *Andrew*.

THE Occasion upon which the *Historical Account* was wrote, is very well known; and the Respondent must beg leave to say, That the Publication was forced from him by the repeated Refusals of the Gentleman who had the conducting of the Operations here, for forwarding those a-carrying on at *London*, toward getting the Grant of the City's Duty on Ale prolonged, on the Terms on which it then stood, to hearken to any Proposal of the shortest Delay, for deliberating on Alterations. That if there are any Inaccuracies or Slips in the History, they take their Rise from the Hurry with which these Operations were carried on: And that if there are any Particulars stated in it, of ill Appearance as on the Face of the Sederunt-Books of the Overseers, which might have been cleared from other Books; that is owing to the same Gentleman's having taken those other Books out of the Possession of the proper Officer, so that the Respondent could not get them when he called for them.

If the whole Strain of the *Historical Account*, from the Title Page, to the Conclusion, be attended to without Byass; if the Declarations of the Respondent, made to many Persons of Honour in writing, previous to his having finish-

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ed or publish'd that *Account*, or his repeated Declarations since it was published, are at all regarded; he is sure of being acquitted in the Eyes of every impartial Person, of having had any evil or malicious View in the Publication. And however any Person else may think or speak, he is secure in the Approbation of his own Conscience upon that Head; and can take that, and a greater than that, to Witness, That the only Thing he had in View, was to engage the Attention of those who had it in their Power, and make them call for a just and fair State of the past Management and Accounts, as the proper Foundation to go on, for rendering the Act propos'd, truly beneficial to the City for the Time to come.

A Man's Opinion is his Conviction, arising from Facts or Arguments, as he takes them up, or as they strike him; and no Man is Master of his Opinions, however he may conceal, disguise, or bely them: It was the Respondent's Opinion at that Time, That the Act sought would be of no Significancy to the City's Interest, (according to his Notion of what is its Interest) and, that upon a just Representation of the State of Facts, something truly for its Interest, might have been suggested and procur'd. He did not conceive, That he was acting Criminally, (Nay he did conceive that he was acting Laudably) in publishing this his Opinion, or any Thing consistent with Truth or Fact, (so far as he had Means to know it) for inducing others to act as he would have acted in Consequence of it. On this Plan and Supposition the Respondent proceeded. Had any Man, more Master of the necessary Facts, or of an Opinion different from his, chosen fairly to disprove the Facts asserted or assumed, or to expose the Fallacy of the Inferences said to be pointed at, while the Bill was in Dependence, every one would have seen and owned a Propriety, and justified it; But the Respondent believes it will always remain Matter of Surprise, to the most of People; Why, after the Matter was quite over in Parliament, the Author of the Pamphlet should have been treated in the Manner he has been, both judicially and extrajudicially, and the more so, when it appears (as he hopes it will do immediately) how little Foundation there is for what has been said and done of, and against, him.

When, on the third or fourth Day after the Publication, the Respondent heard, that the Lord Provost had represented the *Historical Account*, as false in some Fact or Facts; he instantly signified to his Lordship by Letter, That upon being satisfied that any one Thing was false or erroneous in Fact, he would own it publicly; But no Satisfaction of this Kind was ever offered him. And when he came to have proper Opportunity, he openly offered to join Issue with the Procurator Fiscal (in whose Name he was prosecuted) the Magistrates, or any Person else, upon the Truth or Falshood of every, all, or any of the material Assertions in Fact, contained in the *Historical Account*, either before the Lords of Session in a judicial Way, or before any Number of good and qualified Burghesses of Property, who had never born Office in the Council, in an extrajudicial

cial Way, but to no purpose. Why that Proposal was then rejected, the Respondent knows not; how it came since to take Place, the Gentlemen Auditors may know from the three Letters subjoined to the Act of the Town Council of the 17th ult. upon which they are now proceeding.

At the first Meeting called in Consequence of that Act, on the third instant, The Auditors gave it as their Opinion, "That the Town Council should give in a *List* of all the Particulars which they apprehend to be *wrong* in the *Historical Account*, and when given in, allowed the Respondent to see, and answer the same; and appointed their Clerk to give him Access to the Books of the Overseers, and others, relative to the City's Duty on Ale."

In Consequence of this Opinion, a Paper was, on the 16th instant, lodged with the Clerk, and by him communicated to the Respondent, as the Condescendence given in by the Magistrates to him as Clerk chosen by the Auditors in this Affair.

The Respondent is much mistaken, if this be such a Paper as the Auditors intended or desired: He is sure that it contains very little, if any thing at all, applicable to the Point, as to which the Respondent puts himself upon the Auditors, as upon a Jury or his Country, for his Justification to the World: That is precisely and only "how far the *Facts* advanced in the *Historical Account* are, or are not true?" Whereas, except in one or two Particulars, no Way material or of Importance, the whole Charge now made is for *Wrongs* (i. e. Errors) in Opinion, Inference, or Argumentation.—However, as the Respondent considers himself to be under an Obligation, from the Auditors foresaid Order, to make an Answer to the Paper as it stands, he will proceed to do so in the shortest Manner he can, in consistency with Distinctness; Regreting, only (what he foresees inevitable) that he should be obliged to trouble the Auditors with a long Paper, rendered absolutely necessary for him, by the Complexion, Turn, and Purpose of the Condescendence, when he expected only a clear and distinct List of Particulars, *wrong in Fact*: To each of which he might have made his Answer in half a Line; by either denying that any such Fact was asserted, or condescending on the Evidence, from which the Assertion was made.

The first two Sections of the Condescendence respecting the History of the Duty from the Act 1693, to the Time of the Assignment made by the Council of the Year 1710 to Sir *William Johnston* and Partners, and what was said in Judgment relative to that Assignment, the Respondent will consider the two together, and they run in these Words.

"It appears wrong in the Author [p. 2d] to set out with affirming that this Duty had been lett by publick Roup for a Term of Fifteen Years preceded
"ing

- ing the 1st of *August* 1710, at an annual Sum of *L. 5366 : 13 : 4.* and to impress the World with the Notion, that the Magistrates had released the Lessees of no less than *L. 14,580 : 1 : 11. Sterling*, seeing that Duty had never been sett for such a Term of Years to expire in the 1710; for the Tack-duty mentioned by the Author, on the contrary for 13 Years previous to the 1708 at a Medium, it did not rise so high by above *L. 1000 Sterling* a Year, nor is it Fact that the Lessees were released of the above Sum.—And
- B “ The Author [p. 2d] when mentioning the Assignment of the remaining Term of the Grant to Sir *William Johnston*, &c. (which he says was not at an annual Tack-duty or reserved Rent, but upon Condition of sinking so much of the Capital Debt) ought in justice to have mentioned, that Sir *William* and Partners were to pay off at least *L. 5,000 Sterling* a Year, which is greatly above what the Duty yielded at a Medium for Fifteen Years previous to the Date of that Assignment, exclusive of the additional Burden on Sir *William* of the Sum due to the *French* Ministers, as well as the further Sum he was to pay to the Community at the Expiration of the Grant. But passing that, it was highly wrong to impress the Publick with the Notion that the Council had assigned the Grant of the Duty from the 1st of *August* 1710, to the 1st of *August* 1723, to the said Sir *William* and Partners at an Undervalue, to the Prejudice of the Community in the Sum of *L. 9,053*, or *L. 10,117 Sterling* as is set forth at the Bottom of the 2d Page: For altho’ the Author’s Expressions are couched as proceeding from certain Litigants, and not delivered precisely as his express Affirmation; yet the natural Tendency of the Expressions in this Performance is to persuade the World that the Community was Loser by the Fault of the Administration in no less than the Sum of 9 or 10,000 *L. Sterling*.”
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In answering the Charge here made (which is indeed the only one in which the Condescendence so much as pretends to contradict the *Historical Account* in Point of Fact, or adventures on averring the contrary of what is there set forth as Fact) The Respondent begs leave, 1st, To set down the *Historical Account* itself for this Period (as it is very short) 2dly, To give the Words of the only Authority he had at the Time of publishing said *Account*, in Relation to said Period. 3dly, To set forth what he has learnt about it since, which any way contradicts or clashes with the *Account*. And 4thly, To make some Observations on the Charge as laid.

With respect to the first, The *Historical Account* having mentioned the Debt of the City as risen in *Anno* 1693, to *L. 82,913 : 16 : 10.* and the Grant of the Duty on Ale, made by Parliament in that Year for the Purpose of, and strictly appropriated to, the Payment of the Debt; It goes on P. 2d in these Words.

“ It

" IT APPEARS, That this Duty and Imposition had been farmed or lett, by
 " publick Roup, for a Term of Fifteen Years (which expired on the 1st of *August*
 " 1710) at an annual Sum of *L. 5,366 : 13 : 4.* payable in four equal Shares
 " within each Year: And that thereby the principal Sums of the Debts owing
 " by the City were reduced to *L. 47,695 : 6 : 7½*, as the Persons litigating
 " with the then Magistrates, in the Suit to be immediately mentioned, affirmed:
 " NOTWITHSTANDING THAT the Magistrates had released the Lessees of
 " *L. 14,580 : 1 : 11.* which they ought of Right to have had, and would (if
 " due Care had been taken) have recovered, as these Litigants alledged.

" Some Months previous to the Expiration of this Lease, the Magistrates
 " and Council of *Edinburgh* (*i. e.* a Majority of them) assigned over the whole
 " remaining Term of their Grant to Sir *William Johnston* and Partners (not
 " at an annual Tack-duty or reserved Rent, but) on Condition, that the Assign-
 " nees should be obliged, during the Course of their Term, To sink, pay off,
 " and procure to be discharged *L. 45,583 : 6 : 8.* Sterlin of the foresaid Ca-
 " pital Debt, with all the Interest arising thereon, To pay the Sum with which
 " the Grant was burdened to the *French* Ministers annually; and within a
 " Month after the Expiration of the Grant and Lease (*i. e.* at the first of *Au-*
 " *gust* 1723) To pay a further Sum of *L. 1,416 : 13 : 4.* to the Use of the
 " Community.

" IT APPEARS, That this Bargain was recently complained of to the
 " Court of Session, both by those of the Magistracy and Council who were
 " against it, and by one Mr. *Paterfon* and Partners, who repeatedly, to all the
 " Members of Council, separately, under form of Instrument, and at the Doors
 " of the Council Chamber, as they set forth, made much higher Offers than
 " those which were accepted of from Sir *William Johnston* and his Partners:
 " On Occasion of this Litigation, there was exhibited in Court a List of the
 " whole Capital Sums due by the City, as at the 1st of *August* 1710, setting
 " forth the Name of every Creditor, and the Sum due to him (in Pounds,
 " Shillings and Pence *Scots*) and distinguishing them into those undertaken to
 " be paid by Sir *William Johnston* and Partners, and those which still remain-
 " ed a Burden on the City: And upon this State of the Debts, Computations
 " were instituted by both the Setts of Persons complaining, by which they pretended
 " to show, That, even upon Supposition that the Grant was truly worth no
 " more annually than the Rent reserved on the former Lease (while at the
 " same Time they insisted that it was more valuable by far) the Community
 " was Loser, and the Assignees Gainers in a Sum of *L. 10,117 : 11 : 2½.* or a
 " Sum of *L. 9,053 : 5 : 6½.* (as they differently computed) And it is said in
 " the Papers on their Side, that the Magistrates who made the Assignment,
 " did not so much as dispute this, but justified the Assignment on other
 " Grounds."

The Authority, on which alone the Respondent proceeded in giving this Narrative, was a printed Paper (herewith produced) which consists of three several Parts. One is the List of the City's Debts referred to; In stating of some Observes on which, the Bargain with Sir *William Johnston* is set forth in these Words; "By the Contract of Mr. *Johnston* of *Sheens* and his Partners, he is 'only obliged to pay the Town's Debts, which were then only said to be " L. 530,000. Scots, bearing Annualrent; and at the Expiration of the Tack of " the Impost, at *Lammas* 1723, to pay to the Town L. 17,000. Scots." A Second Part is a Computation or Calculation, with the following Title; "For satisfying the Lords of Session, and all others concerned in the Welfare of the " good Town of *Edinburgh*, That the late Tack or Assignment, voted by a " Part of the Magistrates of *Edinburgh*, in favours of Mr. *William Johnston* " of *Sheens* and Partners in *August* 1710 (when Mr. *Paterfson* and Partners " offered much more than was accepted by them from Mr. *Johnston*) is plainly " and manifestly to the good Town's enorme Lesion, as well as Mr. *Paterfson* " and Partners great Hurt and Prejudice, as highest Offerers, the following " Scheme is made; whereby, allowing the Town's Debts, bearing Annualrent, " at *Lammas* 1710, to have been L. 530,000. Scots, as the then Magistrates " gave them out (whereas they were truly, by a printed List hereto annexed, " L. 572,343, beside L. 9,666 : 13 : 4. since borrowed) it will appear, to an " evident Demonstration, That, had the Town continued to sett by way of " Roup, or collect, the Impost upon Beer and Ale during the Continuance of " the Grant, and that it should produce no more than L. 64,400. yearly, being " the Tack-duty payable before the late Assignment, and concluded upon by all to " be a very lucrative Bargain to the Tacksmen; the same would have fully answered the Design of Mr. *Johnston*'s late Contract, and have given the Town, at " *Lammas* 1723, L. 121,410 : 14 : 4. Scots, in manner particularly after-mentioned."--And the third Part of this printed Paper has for Title, "Remarks upon the " Scheme given in by Mr. *William Johnston* and Partners, &c." And when two Sentences, not to the Purpose in hand, are past over, and plain Typographical Errors are corrected, the Words of them run thus, viz. "In the Month of *February* 1711, " Baillie *James Cleland* and *Archibald Cockburn*, judging themselves to be unjustly aspersed by some Reflections in the Town of *Edinburgh*, and their " Tacksmen of the Impost's Answers to Mr. *Paterfson* and Partners Petition; " did, for themselves, and in Name of severals of the late and present Town-Council, Adherers to their Protests, give in a Petition to the Lords of Session, " complaining of their being so maltreated, and of the Majority of the late " Town-Council's illegal and irregular Method of disposing of the Impost on " Beer and Ale: And, for vouching some Matters of Fact therein advanced, " they gave in a printed Scheme or Condescendance, demonstrating, That the " Town and Community, by the said Deed, sustained the Loss of L. 108,639 : " 6 : 8. Scots, supposing the said Impost should, for the Time to run, produce no " more annually than L. 64,400, CONFORM TO THE LAST PUBLICK ROUP:

" Which

" Which Petition and Scheme the Lords ordained to be seen and answered. Of
 " the Scheme, the Town, or their Tacksmen and Assignies, thought fit to take
 " no Notice, or to disprove any Part thereof; but to give in another Scheme,
 " whereby they endeavour to make appear, that the last 13 Years now as-
 " signed to the Tacksmen, produces more Money to the Town than the first 15
 " Years, sett at publick Roup, by the Sum of *L. 5246 : 15 : 3.* As to which
 " it is to be observed, That the same is no sufficient Answer to the Positions laid
 " down in the other Scheme, in regard there are a great many Reasons why the first
 " 15 Years produced so little: *Primo*, THE TOWN THOUGHT FIT TO GIVE
 " DOWN TO THE SEVERAL TACKSMEN OF THEIR TACK-DUTIES,
 " *L. 14,580 : 1 : 11.* WHICH, HAD GOOD CAUTION BEEN FOUND BY
 " THE TACKSMEN, THERE WAS NO PLACE FOR DOING THEREOF :
 " *Secundo*, &c. *Tertio*, &c. *Quarto*, By this Scheme, the Town and their
 " Tacksmen, after deducing the above Sum given down of *Ease*, sum up the
 " Product of the first 15 Years, and then take a Medium, what one Year with
 " another, the Impost produced; and say, that they paying *L. 60,000.* annu-
 " ally, is by much a better Bargain for the Town, and according to that make
 " their Scheme. Whereas it is uncontroverted, that they pay *L. 64,400.*
 " whereby it is very notour they have an evident Advantage, in so much that,
 " at the Time of the Roup, there was another Set of People designed to have of-
 " fered MUCH MORE, but was prevented by the NICE Management of the then
 " Magistracy, IN FAVOURS of the present Tacksmen: And it is observable, that
 " in their Scheme they take Credit for Fees to the Town Clerks *L. 2139 : 7 : 8.*
 " which is very liberal Payment. And, lastly, The Town-Council, being so
 " sensible of their Predecessors Mismanagement and Misapplication, in setting off
 " and applying the Revenue of the Impost on Beer and Ale, and diffident of
 " themselves and Successors, that they thought it advisable to go into the Pro-
 " ject of assigning the 13 remaining Years of the Impost, from *Lammas 1710*,
 " for paying and extinguishing the good Town's Debts: Which Design, for the
 " Reasons foresaid, was just and reasonable, and much to be commended, if the Ce-
 " dents had taken the fair and regular Method of exposing the true List of their Debts
 " (which was then said to have been only *L. 530,000. Scots*, bearing Annualrent
 " from the said Term; whereas they were truly *L. 572,343 : 19 : 01.* besides
 " *L. 9666 : 13 : 4.* borrowed a few Months thereafter) and admitted and accepted
 " of Mr. Paterson and Partners their Proposals, and higher Offers, over and over
 " again renewed at their Council Doors, and to the whole Members of Council,
 " personally apprehended, and at their Dwelling Places under Form of Instru-
 " ment, before a Notar and famous Witnesses, prior to any Assignment made to
 " Mr. Johnston and Partners; which Offers, for Reasons only known to them-
 " selves, they thought fit to refuse."

This printed Paper was the only Authority upon which, properly speaking,
 the Respondent founded the *Historical Account* thus far. And indeed he knew
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nothing farther about the Management of this Duty preceeding the Year 1716, than what he learned or took up from it, and from some Paragraphs or Expressions in another Paper printed and published in the Year 1721, in the Name of sundry Persons, yet alive, of whom three bear Office in the present Council; wherein the Management of the City's Revenue-Matters, preceeding the 1716, is thus represented; "In Anno 1716, when Robert Wightman first entred upon the Office of Treasurer, he found the Town's Revenue in a *bad State* : " ---The Impost---upon---Ale was to terminate in the Year 1723; and the remaining Term thereof was, by a Contract entred into in Anno 1710, appropriated for Payment of a certain Sum of the Town's Debts.---The City's Money Matters had, till that Time, been under so loose an Administration, not to call it worse, that---too great a Part of the Common-Good was unnecessarily consumed in publick Entertainments, and other unprofitable Expences. ---The Gentleman then [in 1716] in the Administration saw that this Grant had been in the City's Possession for upwards of Seventy Years, without lessening, in any Sort, its Debts, and without advancing any publick Work of Value; WHEREBY it appears to a Demonstration, that either it had been mismanaged, or turned into private Pockets, &c.

These being the Materials which the Respondent had to go upon, in this Part of the History, merely introductory to the rest; the Gentlemen Auditors will be able to judge, how far he was thereby founded in what he set forth on this Period.

He owns (to come to the third Point on this Head) That by looking in to the original Process referred to, (which he searched out with great Pains, after he found his History of this Period made a strong Article in the Procurator Fiscal's Complaint against him) he now perceives, as the Condescendence says, "That the Duty was not set for a Term of 15 Years, to expire in the 1710 for the Tack-Duty of L. 5,366 : 13 : 4." [Sterling i.e. L. 64,400 : Scots] and "That Sir William Johnston was bound to make out his whole Engagements, by annual Payments not under L. 5000. per Annum." And this he owns in Justice, when called on, because it is Fact, tho' he can't perceive any Purpose in it. But then the Respondent from the same Evidence sees, That the Setts for the 13 Years preceeding 1708, yielded on a Medium L. 4406, (which surely is not above L. 1000 less than L. 5,366 : 13 : 4.) And that the L. 5000 per annum, to be paid by Sir William Johnston was not, as the Condescendence says, exclusive of the Burden of the French Ministers, and of the L. 17000 to the Community at the Expiration of the Grant, but expressly inclusive of both. And the Council, when mentioning the foresaid Medium, or any thing else, taken from this Process, ought, in Justice, to have mentioned, That for the two Years immediately preceeding the 1708 the Sett was at the precise Sum of L. 5366 : 13 : 4. per annum and That it was likewise so, for the three succeeding Years at least, and also, That

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the Litigants against the then Magistrates, did assert, and insist upon it, That the Community was Loser, and the Assignies Gainers by the Assignment quarrelled in the precise Sums mentioned in the Historical Account, and gave in Schemes demonstrating the Fact on their Principles.--- In fine, upon this Point, The Respondent owns, That he has found, by his looking into the forefaid Procefs, That the Lessees, of the Duty preceeding 1710, were not released of the Sum of *L. 14,580 : 1 : 11 Sterling*, but then he finds, *That there were Sums GIVEN DOWN to them, to the Amount of L. 14,580 : 1 : 11 : Scots.*

In stating the Facts from the Procefs upon the foregoing Point, the Respondent has prevented himself on the fourth, concerning this Head, with Respect to every Particular in the Charge under Consideration, except the Charge of "*Impressing*" the World with the Notion that the Magistrates, [of 1710] had released the "[preceeding] Lessees of *no less than L. 14,580 : 1 : 11 STERLING*," (which is called wrong) and of "*impressing* the Publick with the Notion, That the Council had assigned the Duty from 1710, to 1723, to Sir *William Johnston* at an Undervalue, to the Prejudice of the Community, in the Sum of *L. 9053 : or L. 10,107 Sterling*," (which is said to be *highly wrong*.)—But ; It appears wrong in the Council to charge the Respondent with endeavouring to *impress* the World, or the Publick, with either the one or the other of these Notions, because, neither of the Particulars referred to, is ever mentioned oftner than once, (and that only in the Introduction, previous to the material Part of the History) nor in any other Way than as the Allegations of other Persons, and without making any Reflection upon, or Inference from, the alledged Facts, or either of them. The Respondent has now shown, That (bating the Word *STERLING*, annexed by the Condescendance to the Sum *L. 14,580 : 1 : 11 : of which immediately*) these Things were said judicially against the then Council; and that is all that is incumbent on the Respondent to show, it being none of his Concern, Whether the Facts were true or not, as he has affirmed nothing about them. And

He will beg Leave to say, That it must proceed from Inattention, if any Man looks on the Account given of the Management of the Councils preceeding the 1710 as reflecting on them.—For, after having observed, That the City's Debt in 1693 was *L. 82,913*, the History goes on and sets forth, That by the Setts made, and Duties arisen, the principal Sums of the Debts were reduced to *L. 47,695* notwithstanding that, as was alledged, the Magistrates had released the Lessees of *L. 14580*. It is not said to have been so much as alledged, that this was done *wantonly or corruptly*, but only for *want of due Care*—And even after Recital of all the hard Things said against the Assignment made by the Council of 1710, the History sets it forth as so good a Bargain, that if the Terms of it were kept up to, the old Debt of the City was thereby reduced to *L. 695* at *Lammas 1723*.—No Man surely can, find in the whole of this, any Thing reflecting on the Councils of 1710, or preceeding Years, but rather a high Com-

commendation of their Management on the whole. Whatever might be said, with regard to the Favours shown to some People, in giving down of the Tack-duties, or preferring them to the Assignment, they surely managed well on the whole, when they had sunk *L.* 35,200 of the City's Debt, in the Space of 17 Years, and laid a certain Scheme, for paying off *L.* 47,000 more of it, within the Term of their then Grant.—The Respondent is not without Apprehension, that the Trouble he has met with has been owing, in a great Measure, to his having introduced what was to follow, as to a Period of longer Endurance, and its Result in that Point, with such a Representation, and his having thereby laid a Foundation for People's making Comparisons (which are always odious) and justifying the Councils of 1715, and preceeding Years, from the Aspersions (the Respondent may, now and here, call them so without Offence) thrown out against them in the 1721.

As to the high and mighty Charge of omitting to tell, whether the *L.* 14,580 : 1 : 11. was *Scots* or *Sterling* Money (for it is not mentioned in the *Historical Account* as *Sterling*, tho' one would take that to be the Fact upon reading the Condescendance)—The Respondent can say, That tho' in the Paper he took it from, as above-transcribed, (the only Paper on the Subject he had then seen) the Sums were generally, by himself, understood to be *Scots* Money, yet he doubted if this was not *Sterling*, because he could not think, that Persons sitting in the Council of *Edinburgh*, would have made so much to do, about the Council's having given down *L.* 14,580 *Scots* in Fifteen Years Time (that is, not *L.* 1000 *Scots* one Year with another) upon a Tack-Duty, represented by themselves to have been, *L.* 64,400 yearly: For this Reason, the Respondent chose to transcribe the Sum, as it stood in that Paper, into the History; it falls indeed there, in such Place, as that the Reader is led to think it *Sterling* Money: On the Writer's Plan, it is no Impeachment, but rather an Addition to the Commendation, of the general Management of the Magistrates there spoke of, that it should be so understood;—at the same Time he owns, that even in that View it was wrong to set down the precise Sum in that Manner, when he was not sure that it was of the same Species with that which preceeded, without mentioning his Doubt; but still it is plain, that there could be no Design in that, because it has no future Influence whatever.

C The Respondent will now proceed (and Time it is) to another Kind of Charge upon him, *viz.* That contained in the 3d §. of the Condescendance, and the latter Part of the 4th (which in the Respondent's Apprehension coincides in the general Matter with the 3d, but has no Connection with the general Matter of the 4th)—The Words of both run thus, "*It appears wrong* in the Author, to charge as an Act of Male-Administration, in the Magistrates and Council for the Time, their having purchased Lands for augmenting the Revenue of the City, and stating the Price thereof to the Duty granted for the City's Relief; and *more culpable* to treat the whole of the Money borrowed

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as mentioned in the 5th Page, as a Sum that might be pocketed up, or squandered by the Council. This appears the plain Purport of the Author's Expressions, P. 6th, from Line 20th, in these Words, "It is obvious and plain to common Sense, that so far as the L. 17,000, so recently borrowed, remained in the Hands of the Magistrates and Council, the permitting the Bonds granted for it to be placed to the Debit of this Fund, was a leaving of that Sum to be imbezzled, or bestowed afterwards to any Purposes that the Council pleased, without Controul." And again, p. 7. l. 17. "For ought that any Man can see from the Overseers Books, the Council had this L. 17,000 to play with; and by and by it will be seen, according to the same Evidence, that they had also a Fund which yielded them at least L. 11,000 more in Ready-money." "Does not this convey the Idea of L. 28,000, which might be squandered? And yet it would appear from p. 17. middle §. that the Author knew well that this same L. 11,000 was a Sum lent to the Cashier of the Two-penny-duty, for paying so much of the Debt that stood charged upon that Duty. Had a Stranger lent that Money, it would have been innocent and just; must it not then be wrong in the Author To impress the World with a Notion that it was culpable in the Council to do what would have been lawful in others to do? and To represent it in such Light, as to make the World believe, That, beside the L. 17,000 borrowed and charged on the Grant, there was another distinct Sum of L. 11,000 charged without any Reason? and To convey the Notion, that this was done on Purpose to afford the Council an Opportunity to squander it? And is it not wrong to impress the same Idea in another Part of the Work, p. 16. l. 2. where are these Words; "Here, as on former like Occasions, for ought appearing upon the Books, the Overseers put from under their own Controul the Sum of 7, 8, or 10,000 L. and left it to the Council to pocket it, or squander it away on Purposes extraneous to their Trust." A careless Reader must take this for a distinct Sum from those mentioned in other Places; if the Author means so, he will be best able to explain himself; if he does not, the Wrong remains, in conveying that Idea so strongly, and so often. And it is apprehended that what follows is remarkably wrong. With Regard to L. 938 : 9 : 8 Sterling for Caulway Stones, which the Author says was found, or pretended to be found, in the Accounts of the City Revenue when raked into; and adds, "That the Council got a Committee of the Overseers to give it as their Opinion, that the Sum should be brought in as a Debt upon the Duty; and that the Overseers attested the Expenditure of it along with larger Sums on Publick Works." And on the same Page, l. 32. subjoins this Reflection; "Thus they (i. e. the Overseers) directly gave away so much of the Subject of their Trust, to be pocketed up or squandered away by the Council without Controul, upon Supposition that the Expenditure had not brought on a Debt." And the Words that follow appear remarkably wrong or injurious; "There could not be a Debt created, unless the Administrators of the City Revenue had advanced the Money out of their Pockets; and no Man can suppose that, who sees that the Overseers of the

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" *Two-penny Fund never once refused them any Sum they asked out of, or on the*
 F " *Credit of, it.*" The Consequence of which Assertion is obvious. "

So far as the Respondent can judge, This Head of the Condescendance, and all the rest which follow, relate not at all to Matters of Fact, but to the Respondent's Opinions on Supposition of certain Facts: He knows but of two Ways by which a Man can be brought *really* to change an Opinion of that Sort, *viz.* either To show him that he supposed wrong in Fact, or To convince him by Argument, that he inferred erroneously from the supposed Fact, when admitted to be true. It is something new in one, to go to work for this Purpose, merely by telling another, that his Opinion is *wrong, culpable, and remarkably wrong*: That will not do the Business, even tho' it is a *lawful Superior* that thus *dictates*, because real Opinions own no Superiors, whatever Influence the Commands of Persons in superior Station may have to make some People declare themselves of Opinions contrary to their real ones.—Since the Council has not thought it proper to deal with the Respondent in either of the two usual Ways, to satisfy him that his Opinions were wrong founded in Fact or Reasoning, he wishes they had not meddled with them at all; but as they have, the Respondent is brought under an absolute Necessity of saying something on each of the Particulars objected to him in this Respect.—And,

With Respect to the Head above-repeated; In the *first* Place, The Respondent cannot find, That, in any Part of the *Historical Account*, he has charged as an Act of Mal-administration, in any Magistracy and Council mentioned, "their
 " having purchased Lands for *Augmenting the Revenue of the City*, and stating
 " the Price thereof to the Duty on Ale." Three Purchases of Lands were made within the Period of the History, and so far as the present Council shall show That thereby the Revenue of the City was augmented, the Respondent will join in Encomiums on the Measure; But he fairly warns them, That by *Revenue of the City*, he means the *proper Revenue* (as they affect to call it) and the *Duty on Ale* taken together; for when it appears (as in the Case of the Purchase of *Calton, &c.*) that, for *L. 133: 18: 4.* of Land or Mill Rent added to the *proper Revenue*, a Burden of *L. 204: 3: 4.* was brought upon the *Duty on Ale*, it is impossible to persuade him, or, as he thinks, any Man else, that thereby the Revenue of the City was augmented: And then, let a Man say as he will, 'tis not in his Power to help *thinking* such Purchase an Act of Mal-administration: Even the Authority of an Act of Parliament, for making it, cannot alter his Opinion, nor will a Recital of many collateral Advantages, over and above the Rent, have the least Weight to turn the Scale with him, if he chances to be so wrong headed as to think, that such Advantages ought not to be sought after or taken; or that the greatest Advantage, that can be procured for the City is, to have her Debts paid off: This has ever been the Respondents Opinion. He knows of no Obligation he lies under to conceal or disguise it, and does
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not think he acts against any Law, Divine or Human, in declaring it, tho' his *Superiors* are, as would seem by their Condescendance, of the contrary Opinion :—On this Principle of his, he must entertain the same Opinion as to the Purchases of *Lockbank* and of *Woolmet*, unless the Council will show, that their respective Rents have exceeded the Annualrents of the Sums paid for them severally; and when they have done so, the Respondent will need to be instructed, what Opinion he is to entertain of the Administration of the Council in the Year 1725 who sold *Woolmet*, if the buying of it was not an Act of Mal-administration in the Council of 1718? To him, at present, it seems impossible to defend the one, without condemning the other; but perhaps, others may have a Way of reconciling what appear Contradictions *in terminis* to him.

In the *second Place*, upon this Head of the Condescendance, Part of the Charge against the Respondent is, "His having supposed, That, the Councils of the City" were capable of pocketing up, embezzelling, or squandering away, the Sums "which they got under their own uncontroul'd Management, or of bestowing" them to other Purposes than those to which the Duty on Ale was appropriated." This, the Respondent says, is the Charge on him, as indeed he neither has affirmed, that ever any Council, or Member of Council, pocketed up (*in a clandestine or hidden Way*) embezzelled, squandered, or misapplied any Part of the Duty on Ale, nor had the Means afforded, of knowing more or less about the Disposal of the Sums which the City-Councils have called *proper Revenue*, and, under that Pretence, drawn out of the Duty on Ale, and so withdrawn from under the Controul and Inspection of the Overseers as to the Disposal of them.—And with respect to this Charge, the Respondent owns, that the Word "pocket-up" is of too harsh Sound, and wishes he had forbore it, because, on Reflection, he is sensible, that it conveys a strong Idea of something criminal as to a particular Person or particular Persons, tho' he declares, that he neither had Foundation in Fact for, nor so much as entertained a Suspicion of, any Thing of that Kind:—All the other Words mean no more, in common Acceptation, than the laying out of the Money in Ways which the Person arguing or accusing thinks either entirely wrong, or contrary to the Design of the Grant, as he conceives of it, tho' perhaps as right in the Main. And this is a Crime, Delict, or Fault, which the Law has all along supposed, and at this Day supposes, all Provosts, Baillies, and Aldermen of Burghs, not only capable of, but strongly inclined to.—They are yearly summoned, by the King's Writ, founded on an Act of Parliament, to produce, before his Majesty in his Exchequer, the Accompts of their Common-good, that it may be seen, "whether the same has been usefully expended. or *embezzelled and squandered away?*" [*si utiliter impensa, vel dissipata, seu diffusa fuerunt*] and all the Burgesses are, or ought to be, summoned, and have Right to appear and to "argunne and impugn the Accompts as they please." And the Respondent finds on Record, a Royal Commission laying this Disposition to the Charge of the Magi-

strates of Burghs in the strongest Manner, "*Quod in plurimis burgis, bonum publicum a magistratibus, aut profuse dilapidatur, aut privatim decoquitur, et in usus prorsus alios quam per leges ordinatur, applicatur. Quod burga absque ulla necessitate debita contrahunt, et postquam donationes, ad debita illa persolvenda omnino sufficientes obtinere, nihilominus eadem debita insoluta remanent; atque redditus a publico bono burgi exurgentes consumuntur, et indebite applicantur, unde non solum querimonia in burgis oriuntur, sed etiam illi, qui suo lucro moventur, inducuntur ut seipsos ad officium magistratus eligi procurent, et ut ipsi eorumque amici, propinqui, et clientes in dicto officio continuantur, ut inde occasionem habeant bonum publicum burgi consumendi in premiis ad amicos suos, et burgi factiones continuandas, &c. &c.*" Such being the Suspicion and Supposition of the Law, touching the Dispositions of Magistrates in Burghs, the Respondent cannot think it criminal in any Man to suppose, that a Town-Council of *Edinburgh* might have dissipated, squandered or misapplied, some Part or Parts of the Common-good of it; and this is all that is said in the *Historical Account* concerning the Sums there-mentioned: The Respondent thinks, that they were misapplied, if they were applied to any other Purpose than paying the City's Debt; and so far as he has seen, they were not so applied: He may be wrong in thinking so, but he neither has affirmed, nor can affirm any Thing as to the Fact, *utrum utiliter impensa, an dissipata, seu diffusa fuere?*

The Sums mentioned under this Head, as those which the Council had or got at their own Disposal, from under, or out-with, the Controul of the Overseers, are Four; 1st, *L. 17,249 : 8 : 4* (it should have been *L. 17,749 : 8 : 4*) of the Sums borrowed in the Beginning of the Year 1718. 2^{dly}, The *L. 938 : 9 : 8*: for Causeway Stones, brought on as a Debt in November 1722. 3^{dly}, *L. 7000, L. 8000, or L. 10,000* of the Sums borrowed in Anno 1723. And, 4^{thly}, *L. 11,000*, arising from the Sale of *Woolmet* in Anno 1725.—As the Respondent reads the *Historical Account*, it does not seem to need any Explication, "That he meant each of the Four to be a Sum distinct from the other Three." And they certainly are so, notwithstanding of what is observed in the Condescendance, according to the Suppositions in Fact, upon which the History proceeds.—For,

If it be admitted, That the *L. 17,749 : 6 : 8*: borrowed in 1718, and *L. 7000, L. 8000, or L. 10,000*, of the Sums borrowed in 1723, were lying in the Town Treasurer's Hand in Cash, at the Times when the Bonds granted recently before for them were insisted as Debts on the Ale-duty; it must be true, That the Council got these Sums out of that Duty, to be disposed of as it saw Cause, without being subject to the Controul of the Overseers.—If it be admitted, That the Price of *Woolmet* was paid out of Savings on the City's ordinary or proper Revenue, between the 1710 and 1718; and that it was sold afterwards at *L. 11,000*; it must be true, That the Council had in 1718 a Fund, over and
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above the 17,749 : 6 : 8 : which yielded *L.* 11,000 :—And if it be admitted, that the *L.* 938 : 9 : 8. for Causeway-Stones had been paid gradually out of the ordinary or proper Revenue, without causing any Deficiency in the Payment of the Burdens proper to it, or creating any Debt on it : It must be true, That when the Council got the Sum again out of the Ale-duty, it became possess of so much Money from the Ale-duty disposible at its Pleasure, and outwith the Controul of the Overseers.

Of these Suppositions, in Fact, the *Historical Account* affirms nothing, the Condescendance touches not on any of them, and no Man can be absolutely certain whether the Facts supposed are true or false, without being shown the State of the City's Finances in the Year 1716, and the Accounts of the Disposal of its whole Revenue from that Time till the Year 1727 at the least ; and such Favour not having been indulged to the Respondent, these Matters stand as they did with Respect to him, and all the Observations he made on them in the *Historical Account* : And he leaves every body else at Freedom to think of them as he has a mind ; or as the Council shall be pleased to enable him by further Lights than the Respondent has had.

At the same Time he owns, That now he has seen, and is satisfied from the Two-penny Books, That what was not actually expended of the Moneys borrowed in 1723, at the Time when the Overseers made up the List of the principal Sums of the City's Debts, was reserved as a Fund for paying the Annualrents incurred, and the Expences of publick Works for the Year then begun, and was accordingly afterwards accounted for.—And, as to the *L.* 11,000 got for *Woolmet*, it is told in the *Historical Account*, That *L.* 3000 of it was redrawn on Occasion of *Porteous's* Story ; And the Respondent has since seen, from the Books aforesaid, that the *L.* 8000, as to which the Overseers Books gave no Light, remains still *in Banco* not disposed of ; but then, it is kept up as a Sum due from the Two-penny-duty to the City, or “ To the City Treasurer for the Time being : ” And so may be drawn, according to the Doctrine of the Condescendance, at the Pleasure of the Council. And the Question will be, If this is Right, or what ought to be permitted, or not ?—The Reason given in the Condescendance, for its being right, does not strike or convince the Respondent ; because, albeit it would be most just, that the Administrator of the Affairs of a Gentleman embarrassed with many Debts, bestowing his own Money in clearing them off, should be considered as his Creditor for the Money paid, and have his Security for it just as any other Person ; yet if we see, or shall suppose, that the Debts are paid off with the Gentleman's Money, Would it then be an innocent Thing, would it not be culpable in the Administrator, to set himself up for Creditor to the Gentleman ?—In short, while it is the Respondent's Misfortune to think, That every Fund, every Penny that can be raised from any Fund, after defraying necessary Charges of the Administration and Police of the City, should be

be applied to sink its Debts, he cannot help looking on it as wrong, That the Council should be allowed to draw a Penny out of the Ale-duty, without satisfying the Overseers, that what is required is necessary for the Purposes aforesaid, after Expenditure of all the other Revenue : But he does not think it necessary either to fight or argue with those who are of another Opinion.

It remains only upon this Head, That the Respondent take notice of the Quotation from the *Historical Account*, which the Condescendance calls *remarkably wrong or injurious* : It relates to the Price of the Causeway Stones above-mentioned.—That Money had been laid out some time before it was sought to be brought in as a Debt on the Ale-duty ; the Respondent had before hinted it as his Opinion, That it should not have been admitted as a Debt on the Ale-duty, unless Evidence was given, That the Expenditure of it had occasioned a Deficiency in the other Revenue, and brought a Debt on the City : And then he adds the Words challenged, in which he supposes, that the Administrators of the City Revenue had not advanced the Money out of their own Pockets ; and says, That they had no Occasion to do so, because the Overseers of the Ale-duty always gave them any Sum that they asked out of or on the Credit of it : The former he still supposes to be Fact, and the other, for ought he has yet discovered, is true. Where the Injury to the Council in all this lies, the Respondent cannot indeed discover.

- D. The next Head of Charge against the Respondent, lies in the first Part of Section 4th of the Condescendance, and it is, “ That it appears wrong in the Author, to accuse the Magistrates and Council for the time, of beginning and carrying on Publick Works upon the Credit of the Grant, and by Anticipation, before the same commenced, on Pretence of the Publick Good, but really intended for the private Advantage of themselves and their Friends.” Which Idea is said to be conveyed by one Part, quoted, of a Paragraph in the *Historical Account*, and said to be *strongly impressed* by the rest of that Paragraph, not quoted, and some Lines of another.
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The Quotations run thus, “ The publick Spirit of executing vast Works for the Publick of *Edinburgh-City*, which must infallibly have brought great Emolument to some private Persons (it would not surely be to the Projectors of them, or their Friends) now rose apace, and to vast Height. The Administrators insisted, That this Fund they had got might be *L. 8350 : 17 : 2½*. and would not permit any Person to imagine, that it would be, or could be less than *L. 7500. Sterling Gross per annum*, during the Currency of the new Grant ; and they insisted, That they had a Right, or were in the Right, to project Works in Proportion to this Minimum of their Fund at least. The annual Burdens on it at that Time were small indeed ; but then it was not to commence for five Years thereafter : And it will be seen immediately how prodigiously it was anticipated, and how heavily it was loaded with annual Burdens, “ before

“ before the Time of its Commencement arrived; and how greatly it fell short
 “ of answering the Projector's Views in Point of annual Income, even when it
 “ was extended over those Parishes contiguous to the City, to which Brewers had
 “ retired to evade it.—However, at all ventures the Projects must be begun, &c.—
 “ And now—Mountains of Gold appearing to the heated Fancies of the Projectors,
 “ all Heads and Hands were set at Work, to find out, and lay down, Schemes
 “ for spending the Money, long before it could arise, &c.”

As to all this Matter, The Respondent cannot find that he has stated himself as Accuser of the Magistrates, either with Respect to their Anticipation of the Revenue, or as to their real Intentions in prosecuting and executing these Publick Works. He makes no scruple to declare, that his Opinion is against all Anticipations, and that he thinks this one was egregiously wrong, let other People think as they will.—He has not meddled with, he does not pretend to dive into, Peoples Intentions: He believes, with every Body else, That the executing of any *Vast* Work, must infallibly bring *Great* Emolument to the private Persons employed in it. And he does not think it a Reflection upon the Projectors or Conductors, that they should endeavour to be participant in the lawful and reasonable Emolument, or throw it in the Way of their Friends: Whether those concerned in this Case did so or not, he knows not.

The next Charge on the Respondent, Section 5th of the Condescendance, is in these Words, “ It is wrong in the Author to represent the Magistrates and Council, as promoting the Extension of the Grant *by bringing the active and stirring Men of the neighbouring Parishes into the Project, by promising them certain Premiums or Rewards out of the Produce of the Grant, under the Genteel Name of Equivalents.*”

The Fact is, That before the Extension was *formally* proposed to the Heritors of the Shire, The Town Council past an Act, Signifying their Resolution to make good any Losses or Damages which might arise thereby, to the Heritors of the Parishes intended to be subjected to the Duty; and Naming Commissioners to treat with them concerning the *Equivalent* to be given by the Town to them, upon their consenting to an Act of Parliament for the Extension; and, That before the Consent was given, or *simul & semel* and on the same day, the Council, by its Commissioners, entred into a Submission with a Dozen of Gentlemen, Heritors in the subjected Parishes, touching the *quantum* of this *Equivalent*.—And therefore the Respondent cannot find out the Ground of Charge against him. Is it, That this was not a Promise? Or, That it was not the Cause of the Gentleman's coming in to the Project of Extension? Or, That the Magistrates did not promote the Extension by it, or did not promote it at all? Or, That the Men, who came into the Project, were not active and stirring Men? Till it be explained on which of these Points the Charge relies, the Respondent can say no more, unless he was to say a great deal too much, upon this Head.

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G The next concerns the *so much noised Story* of the consigned Money, and it is thus laid in Section 6th of the Condescendance, "*It appears wrong* in the Author, Page 21 § 1, to treat the Conduct of the Council with respect to Money "*consigned* by the Purchasers of Bankrupt Estates, and the charging the same on "*the two-penny-Duty*, when that Money came to be paid to Creditors, as a "*culpable Management*, seeing, upon the least Enquiry, the Author might have "*been satisfied* that there was a Cash Accompt opened with the Royal Bank, "*used ONLY for the Purposes of the Duty upon Ale*, and the consigned Money "*received by the Provost*, paid into the Cash Accompt; and *so* applied to extinguish a Burden upon the Two-penny-Duty, with this Advantage, that the "*said Duty gained 2 per Cent.* till such time as the consigned Money was paid "*over to the Creditors*; consigned Money, by Act of Parliament, bearing only "*3 per Cent. Interest*, And *the wrong* in the Author *appears the Greater* that "*from the same Page he seems to have been no Stranger* that the City had a H "*Cash Accompt with the Bank, for carrying on the Purposes of the Grant.*"

In Answer, The Respondent must take the Liberty to say, That *it is wrong* in the Council to charge him as having treated their Conduct, with respect to Money consigned by the Purchasers of Bankrupt Estates, as culpable; because, he never did so.--- He has indeed charged some Person or Persons, to him unknown, with Indistinctness and Inaccuracy in the keeping of the Sederunt Books of the Overseers; because, having made two Entries, about the issuing of consigned Money, in Terms insinuating that the Overseers had some Scruples about them; Care was not taken to enter in the same Books, the Fact which must have removed these Scruples.---That is the *only* Charge which can, in any Sort of fairness, be said to be made in the *History*; the Words of which (not quoted in the Condescendance, as usual, for a plain Reason) after mentioning the Fact about the issuing of two Articles of Money consigned, are these, "Had it been shown or said in the Books, That "*the Sums were, at the Time of consigning, put to the Credit of the Two-* "*penny-Duty, or applied to pay any Burden on it, every one would have been* "*satisfied of the Reason for debiting that Fund with the Payments made: The* "*Fact may have been so, and then it can yet be vouched; if it was not, the* "*Consequence is obvious.*"--- The Respondent must appeal, and does appeal to the Council itself, Whether more was necessary for justifying the Administration in this Article, than to have shown him the Books, in which the Application of this consigned Money was stated, and to have taken from him what he offered on that Condition, within three Days after publishing the *History*, what he never could give till now, and what he now gives, *viz.* a Declaration, That he is fully satisfied, That the Monies issued had been truly applied to pay Burdens on the Ale-Duty, when consigned, and were therefore justly and regularly charged back on it when called for.--- But whether *something else* than Justification of the Administration was not in View by the Behaviour of some People on this Article, the Gentlemen-Auditors may judge; The Respondent shall forbear to mention it,

it, or any of the many aggravating Circumstances attending it: at the same time that he cannot but observe the same Spirit running thro' the Head of Charge, as now laid; a Spirit which cannot possess the Council as such, and of which he is sure every one of its Members will express the greatest Detestation.--No doubt the Respondent knew, That the City had a Cash-Accompt with the Royal Bank; but as he had no Occasion to know, whether it did or did not, comprehend *all* the Negotiations about the Duty on Ale, or was or was not *confined* to them; So now that he has seen the Book of Clearances, drawn from the Bank-Books, it does not appear that the Cash-Accompt answered to the Description here given of it; nor that it could have given him the least Satisfaction as to the Facts for which it is appealed to: The Respondent has got his Clearance about them from Books which he did enquire for, while he was writing this *Historical Account*, but could not get Access to, for a Reason mentioned in the Entry.

Another Head of Charge against the Respondent, contained in the Seventh Section of the Condescendance, runs thus: "It is wrong in the Author to *repre-* H
" *sent* the Cash Account with the Bank, opened for the Purposes of this Grant,
" *as a Device* whereby the City might possess itself at any Time of *L. 3000*
" *Sterling*; which the *Two-penny-duty* must repay and make good, let the City
" *dispose of it as it has a mind*. Is not this representing the City as guilty of an
" *egregious wrong?*" I

For Answer; Every Body knows, That the City can do no wrong, and will therefore see, That the Council is meant in the *History*.-- The Respondent has not represented the opening of the Cash Account as a *Device* for such a Purpose; he has only said, "That, as the Matter stands, the Council *may thereby* become
" possessed of such a Sum; That they may dispose of it as they please, *i. e.*
" without being subject to the Controul of the Overseers; and, let them dis-
" pose of it as they will, the *Two-penny-duty* must make it good to the Bank."--
And he still says, That it is so as the Matter appears to him;--because he does not perceive, that the Overseers have any Check on the Council in the drawing out of the Money; nor, that it is any Condition in the Assignment of the Duty to the Bank, that It shall see to the Application of the Money when drawn. If the Case is otherwise in Fact, if the Concurrence of the Overseers is requisite in drawing for the Money, or the Bank's Security is clog'd with a Condition depending on the Purpose to which it is applied, the Respondent will, on being shown this, own himself in the wrong for putting the Question from which the Quotation on this Head of the Charge is taken.

The last and closing Charge, as laid in the Eighth Section of the Condescendance, runs thus: "*It is wrong* in the Author to represent the Administration I
" of the City, as using every Art to blind the Overseers, in order to come at the
" uncontrollable Management of this Duty; and indeed the Management, thro'
" the

“ the whole of the Book, is treated as highly culpable. The Examiners may
 “ please cast their Eyes upon p. 18. and the first two Paragraphs of p. 19. as
 “ also p. 22. ten Lines from the Bottom, where are these Words: “ *The Me-*
 “ *thods by which the City, as distinguished from Two-penny-duty, drew Part of*
 “ *these Riches into its Hands, to the impoverishing of, to the Degree of Bank-*
 “ *rupting, the Duty, have been ALREADY mentioned; the rest arose from the*
 “ *City's having the Address to get the Duty loaded with all its Expence of every*
 “ *Kind (annual Burdens proper to the antient Revenue only excepted) even con-*
 “ *trary to the express Directions of the Act of Parliament.*” And p. 24. l. 5.
 “ and 6. in these Words: “ *THUS all the Checks contrived by Parliameⁿt were*
 “ *eluded, and all the Regulations prescribed by the Act were disregarded.*” To
 “ treat an Administration at any Time in such a Manner, *without direct Proofs*
 “ *of Corruption*, appears highly blameable, and more so, from the Manner of
 “ publishing this Account, and transmitting it to Members of Parliament, when
 “ a Question relative to the Renewal of the Grant was in Dependence; and this
 “ aggravated by concluding his Book with a Proposition, that points at divesting
 “ the Magistrates and Council of the Management, or at least rendering them
 “ absolute Cyphers, than which it is not easy to conceive how one, who has the
 K “ Character of a Citizen, could aim at a *higher Injury to his lawful Superiors.*”

This being a general Charge founded upon the Respondent's Recapitulations of, or Inferences from, Things which went before (as appears from the Words *already* and *Thus*, in the two short Sentences quoted) It admits of no other Answer, but Referring to the Particulars whereof they are Recapitulations, or from which they are Inferences, and to what has been said with respect to any of them on which the Condescendance has made any Animadversion.—As the first of these Sentences plainly refers to the Paragraph immediately preceeding it, in which the Riches of the City, in Contradistinction to the Two-penny-duty, are mentioned; the Respondent must be allowed to obviate an Objection to the Account he gives of these. It was true, according to what he had then seen; but the new Lights he has been afforded shew, That at *Candlemas 1751*, the City or City-Treasurer was, or was reckoned to be, Creditor to the Duty for *L. 11,700. of Capital (including Woolmet L. 8000)* with half a Year's Interest, *L. 2312 : 2 : 5.* of Deficiency on the Article of Aid of Revenue, and *L. 6,025 : 13 : 00.* for publick Works; In all, *L. 20,292 : 15 : 5. Sterling.*—This Rectification being attended to,—When the Condescendance was not only quoting short Sentences, but also directing the Gentlemen-Examiners where to cast their Eyes for more on this Head; it might have been expected that It would have pointed out the whole of what intervenes between the Words quoted from the Foot of P. 22, “ *contrary to the most express Directions of the Act of Parliament,*” and the Words quoted from Top of P. 24, “ *Thus all the Checks were eluded,*” and also the Paragraph which follows this — — — — If these omitted Paragraphs, which no doubt the Examiners will read because of their Connection with the Sentences quoted,

quoted, contain a just Representation of the Law and of the Facts (and not one Word of them is controverted or attacked in any Part of the Condescendence) the Inferences intrude themselves still on the Respondent with a Force which he cannot resist; he has shown no Anxiety to impress them upon others; and all the Fault he can charge himself with is His having given an Opinion instead of leaving it to every one to form his own. He is perswaded that the Council can be under no Apprehension that his Opinion will have any Weight to the Prejudice of the *Administration*: As he himself would be very glad to see it cleared, he wishes the Council had applied more to the Facts, and less to his Opinions, throughout this Condescendence. And, upon this general Head, it appears to him, That the Council has an easy Method of satisfying every Man, How far the Regulations of the Law touching the annual Application of the Fund have been really observed; and that is, by exhibiting in one View that Chain of annual Accompts which the Respondent has now seen recorded in the Journal-book, and Books of Receipts and Depursements, tho' they had not any Way cast up to him at writing the *Historical Account*.

As to the flourish of Aggravations in the close; It is something new to maintain, That an Administration should never be animadverted on but for *Corruption* nor without *direct Proofs* of the Corruption: The Respondent could easily condescend on several other proper Causes for such Animadversion; and must beg leave to say, that *common Rumour*, or even *Suspicion* is, in his Opinion, sufficient Cause for proposing an *Enquiry* or *Examination*:—It was in hopes to bring on an Examination in a Place and at a Time the most proper, as he thought, for obtaining any Benefit to the City *in futuro*; that he did publish the *Historical Account*, and put it into the Hands of Members of Parliament, and he is so far from looking on that as an *Aggravation* of a *supposed Crime*, that he apprehends it to be a *total Exculpation* from the Charge of *Malice* or *ill Design*, and of personal or by-views with which he has been loaded. In fine, tho' the Respondent knows that the Council are his Superiors by Law and Station in many Respects (in which he shall always revere them) and feels some of them to be so in other Respects (in which he hopes never to equal them) he looks upon them, with Respect to the Revenue, as the Law does, that is as *Administrators only*, as accountable to the Community for their Administration; and therefore cannot look on "his proposing to have their *whole Administration* subjected to the Review of *Persons having proper patrimonial Interest* at Stake upon the Result of it," as a high Injury, or as an Attempt to render them absolute Cyphers. They have been subjected to the Review of Overseers as to one considerable Branch of their Administration for many Years, in a manner pretty strictly devised, but it does not appear either that they took this as an Affront, or that it rendered them Cyphers in the Management.

In fine, now that the Respondent has had Access, by Order of the Gentlemen-Examiners, to all the Books concerning the Management of this Duty on
 E Ale,

Ale, from the 1717 to Candlemas or March 1751; he cannot discover, That he has so much as erred, in the smallest Jotta, as to any Assertion in Point of Fact in the *Historical Account*, in all that Time: except that he called the Meeting held by the Overseers on the 10th December 1717 The first Meeting on Record, whereas it was the second; and that he set down the Sum borrowed between the End of December 1717 and the Beginning of June 1718, at L. 17,249 : 8 : 4. instead of L. 17,749 : 8 : 4. — He has already, in the Course of answering the Condescendance, owned, That he has got Clearance from the Books now shown him, as to several Points taken Notice of in the Condescendance, which were stated in the History in a dubious View; viz. That about the consigned Moneys; that about the L. 7000, 8000. or L. 10000. of the Borrowings in Anno 1723; that about the Situation of the L. 8000. remaining of the Price of *Woolmet*, and the City's Claim on the Ale-Duty; and that about the Accompts being kept in a regular annual Chain. — And, before concluding,

He will also own, as he conceives himself bound in Justice and Fairness to do so, tho' not called on to do it by any thing occurring in the Condescendance, That he has, by the same Means, got Clearance as to some other Points treated as Matters of Doubt and Suspicion in the *Historical Account*, for which he has never been called in question, viz. The L. 2000. Scots levied with the City's Land-Tax in 1730 and 1731, toward reimbursing an Advance made out of the Duty on Ale for purchasing Fire-Machines; The L. 50. Sterling per annum due by Contract to Mrs. Miller; The Establishment of Salaries to the Clerks and Clerk-depute of the City out of this Duty; and the Extent of the Sums drawn by the Council from this Duty, under the Head of *Aid of Revenue*. — As to the first of these; The Sederunt Books of the Overseers, after having observed that the Money was not replaced in the 1st of March 1734, never again mention it; and so leave one in doubt Whether that Sum was ever made good to the Duty on Ale (as in the History): but the Book of Receipts and Payments shows, "That it was made good on the 28th of that Month." — As to the Second; The Sederunt Book, after having stated an Objection, or Doubt, as to the Propriety of continuing that annual Payment in its full Extent, because Mrs. Miller was not keeping up to the Terms of the Contract, never mentions what was done about it afterwards; which gave Occasion to its being stated as a Question in the *Historical Account*, Whether the Payment was continued in its full Extent, or diminished, or totally discontinued? The Book of Receipts and Payments clears this, by showing That the Payment was continued in its full Extent only for three Years after the Overseers made this Observe about it; and That thereafter it was totally discontinued. — As to the Third, Two Doubts being stated, Whether the Overseers had been led in, contrary to a Resolution of theirs, (not appearing in their Books to be altered) to give an annual Salary to the City Clerks out of this Duty coverly, and by the Council's throwing it into a General Article for Charges of Management; and, Whether or not they are also paid Fees for Decrees, &c. — The Books now seen answer both distinctly; and

and shew, That the Council did *openly*, by two Acts of their own, establish Salaries to the two principal Clerks, the Depute-clerk, and an Extracter, on this Duty, to Amount of *L. 22 : 11 : 6*; and That they have been paid annually since 1731, with the other Articles of Salaries for Management, stated *particularly*; but That the Clerks get no Fees for Decrets taken in the Baillie Court for this Duty.—And—as to the Fourth, Tho' the History, from the Deficiency of the Overseers Books, states it as a Point of Fact in the Dark, How much of the Two-penny Fund the Councils have drawn as Aid of Revenue? The Books of Receipts and Payments answer this distinctly; and show, That the Sum Total drawn from *Martinmas 1717 to Candlemas 1751* is only *L. 12,716 : 17 : 7. Sterling*, that is *L. 2,312 : 2 : 5.* short of its Amount.—Had any other Particular of this Kind, *i. e.* clearing up Facts stated as unclear on the Face of the Overseers Books, occurred to the Respondent in his new Researches, he would have acknowledged it with the same Frankness, tho' not directly called on to do it by a Challenge from the Council.—Of one other Thing of this Kind indeed the Respondent is put in Doubt upon this Research, *viz.* The Extent of the Expences in Relation to the Act of Parliament obtained in *Anno 1723.* This is called in the *Historical Account* "*L. 2,070.*" And, whether it should not really be *L. 2,370.* the Respondent cannot yet say with Certainty, or without getting further Explanation than arises from the Books, in relation to an Entry made therein so late as the 22d of *May 1744.*—And now,

To conclude, The Respondent is extremely sorry, on many Accounts, That he should have been brought under the Necessity (a Necessity which to him appeared invincible on the most important of all Reasons) to write, or to trouble any Person with reading a Paper (of great Labour to him in Preparation and Composition, and) of this Length; when he truly expected that he should have had a Call for no more than what he could have dispatched in an Hour's Time, and without Waste of a Sheet of Paper.—The Value of his Stake will, he hopes, plead his Excuse.—With regard to Matters of Opinion, the Respondent is resolved to give himself no further Concern. He is not at all anxious what the Gentlemen-Examiners do on that Point; nor how long they keep it in Dependence, in case the Council insists on saying any Thing upon it; nor will it give him any Uneasiness, should they now, or at last, declare the Respondent's Opinions *toto calo* erroneous, and him a Wronghead or Fool for entertaining them.—But, as the Respondent's Justification or Condemnation with the World, in respect to the most virulent and violent, continued and repeated, Attacks on his Moral Character, hangs upon the Issue of the Declaration of the Examiners touching the Truth or Falseness of the Facts asserted in [the *Historical Account*, he hopes that they will speedily proceed to give such Declaration on that Point as to them shall seem just; and is confident, That Dispatch in that Respect will be most agreeable to the Council itself, which has declared its earnest Desires to know how the Facts really stand.

AND *. CHALMER.

**COPIES of an ACT or MINUTE of the
Town-Council of Edinburgh, dated 17th
June 1752. and Three Letters therein re-
ferred to.**

THE Lord Provost REPORTED IN COUNCIL, That, in Pursu-
ance of the Orders of Council, dated the 12th of February and
15th of April last, considerable Progress had been made in a Process
before the Bailies, at the Instance of the Procurator-Fiscal, against Mr.
Andrew Chalmer Accomptant in *Edinburgh*, as Author and Publisher of
a Pamphlet, entitled, *An Historical Account of the City's Duty on Ale,*
&c. bearing hard upon the Administration of this City and Community
for a long Period of Time; That, in the Course of the Tryal, a Bill
of Advocation had been offered, which, with the Answers, being con-
sidered last Vacation, was taken to Report to the Lords by my Lord
Shewalton; That, in the Interim, the Deacon-Conveener had signified
Mr. *Chalmer's* earnest Desire to have the Facts set forth in the said
Pamphlet examined by five or more Gentlemen of Reputation, for Inte-
grity and Skill beyond Exception, to be named by the Town-Council,
professing his Willingness to acquiesce in the Report of such Persons as
TO THE FACTS, to be justified to the World if these Gentlemen should
report, That the FACTS advanced in the said History were true, and to
make any Reparation which could, in Reason, be asked of him, should they
find it otherwise; That, apprehending the Proposal reasonable in his
private Judgment, he had signified his Sentiments on that Head in a Let-
ter to the Conveener the 5th current, bearing, That if Mr. *Chalmer*
should make any such Proposal in Writing, he would lay the same before
the Council, and contribute his best Endeavours to prevail with them, and
every Body else concerned in this Matter, to agree to the above Measure,
and to suffer the Process in the mean Time to rest; which being com-
municated to Mr. *Chalmer*, he, on the 8th June, wrote to the Con-
veener upon that Subject; and, by a Letter of the 11th current, adressed
to the Lord Provost, explicitly signified his Desire to have the Facts ex-
amined, in the manner above set forth, by five or more Gentlemen, to be
named by the Council, adding these Words, "I am willing to acquiesce
in the Report of such Persons as to the Facts (in the *Historical Ac-*
count)

count) to be justified to the World, if they report, That the Facts
 " advanced in the History are true, and to make any Reparation which
 " can, in Reason, be asked of me, if they find it otherways." Which Let-
 ters being read in Council, His Lordship also reported, That he had ad-
 vised with some Persons of the first Rank in this Country, who were
 of Opinion, That the Measure was consistent with the Honour of the
 Council, and most likely to bring this Affair to a speedy Issue, without
 Prejudice to Truth, or the Administration of this City or Community.
Which being considered by the Magistrates and Council, they unanimously
agreed to nominate the Gentlemen following, viz. Messrs. George Chal-
mers Writer to the Signet, George Boswell and Francis Farquharson Ac-
comptants in Edinburgh, John Campbell Cashier to the Royal Bank, and
James Spence Secretary to the Bank of Scotland, Gentlemen of undoubted
Reputation for Skill and Integrity, earnestly recommending it to them
to examine the Facts contained in the said Pamphlet, entitled, An Histo-
rical Account of the City of Edinburgh's Duty on Ale, and of the Manage-
ment thereof, &c. and to compare the same with the Books of the Ho-
 honourable Overseers, the Minutes of Council relative to that Subject, and
Accompts of the Produce and Application of that Branch of the City's
Revenue arising from the new Gift, kept by the City's Accomptant, and
to report their Opinion to the Council upon the whole; and further, the
 Council did, and hereby do, appoint the City Clerks, and City Ac-
 comptant, to furnish the above Gentlemen with such Records, Accompts,
 and Books of the Honourable Overseers, and whatever Writings or
 Vouchers are in their Hands, and shall be called for by the said Gentle-
 men, and do appoint their Clerks and Accomptant to meet with these
 Gentlemen, if required, in order to give them all proper Satisfaction to
 facilitate the compleating their Report, to be laid before the Council
 with their first Conveniency, reserving Power to the Council to do there-
 in as they shall see Cause, when the Report of the said Gentlemen is laid
 before the Magistrates and Council; and further, they did, and hereby
 do, appoint the foresaid three Letters to be recorded in the Minutes of
 Council.

Follow the Three Letters.

1st. *The Lord Provost to the Conveener.*

S I R,

I have been reflecting on what you told me had past between Mr.
 Baird and you, and afterwards between Mr. Chalmer and you, on the
 Subject of the Process that the Procurator-Fiscal is carrying on against
 him,

him, for the Reproaches thrown out by him against the Magistrates and Council of the City, for these Forty Years bypast, and his Wishes to have the Matter done away in some easier Manner. I have been considering too, the Account he gave you of his Motives for publishing his History and Dialogue, and how strongly he asserts, That he neither meant to hurt the City's Credit, nor to obstruct its Interest, nor to injure the Reputation of any one Man who now is, or ever has been, in the Town-Council, or in the Oversight of the Grant; all he had in his View, was to have a thorough Enquiry made into the Accompts thereof, before the new Grant passed, to satisfy the publick whether Justice has been hitherto done to the City, and to ascertain it, that it shall be rightly applied in Time coming.

How far what he has done can be reconciled to these Assertions of his, must be left to the Publick to judge of, now that the Papers are in every Body's Hands. As to what he apprehends from my Resentment, I do assure you, and you may assure him, That I think it below me to mind what is personal to me in the Matter: If that was all, I would give myself no Manner of Trouble about it; but, as he has attacked the Reputation of so many other Gentlemen in his Papers, I think most unjustly, I cannot take upon me to dispose of this Process against him, without consulting them.

However, such is my Aversion to Disputes, that, if Mr. Chalmer writes to me, as Provost of *Edinburgh*, a Letter, to be communicated, giving his Motives for publishing those two Pamphlets here and in *London*, at the critical Time he dispersed the first of them, accounting therein for his Conduct, in any Way he thinks best for his own Vindication, consistent with Truth and Reason; if he sets forth therein his Sollicitude to have the Facts he has asserted in his History thoroughly examined into by Gentlemen of established Reputation for Integrity and Skill, his Willingness to acquiesce in their Report in Relation to them, to be justified to the World, if these Gentlemen report, That the Facts he has advanced in his History are true, and that he will make any Reparation that can, in Reason, be asked of him, if they find it otherways; I will endeavour all I can to prevail with the Town-Council, and every Body else that is concerned in this Matter, to put it upon this Issue, and suffer the Process in the mean Time to rest. I am,

Sir, your most obedient humble Servant.

Edinr. 5th June 1752.

GEO. DRUMMOND.

Directed under Cover, To James Ker, Esq; Deacon-Conveener of *Edinburgh*.

2d. Andrew

Ed. Andrew Chalmer to Mr. Ker the Conveener.

S I R,

I had but a few Minutes Conversation on the Subject of the inclosed (a) with Mr. Baird on Saturday Morning, he being obliged that Day to go to Newbyth, from whence he gave me Hopes he would return this Evening: I have also been considering upon it myself with all the Attention I am capable of. There are some Expressions in the preambulatory Paragraphs, which, I humbly think, might have been spared, and for which I do not think or know that ever there was any Foundation given (b); but I pass these over. And, as to the last, I am still (c) of the Opinion, that there is nothing of the material or substantial Part of the Proposal made that I ought not to comply with, but it appears to me to be a Point so delicate with respect to Consequences, should the Proposal be rejected, after it is known to be made by me, That I cannot trust my own Judgment as to the Manner of making it, and therefore I would incline to advise with some more Friends in whom I confide; but here I find myself in a Strait from the Injunction you laid on me at giving me the inclosed (d), and cannot get rid of it, unless I am allowed, at least, to state a Case hypothetically for Advice, I mean to say, Supposing I had Reason to hope, that, if such or such a Proposal was made from me to the Town-Council it would be accepted of, In what Manner should I make it, so as not to prejudice my cause in case it was not accepted of, &c. On this I behoved to have had your Mind and Instructions, before I could have gone on to write the Letter proposed, at any Rate: But a Motion made in Behalf of the Procurator-Fiscal, on Saturday last, has suggested it to me, as a necessary Preliminary to my proceeding in this Course, that it should be fixed and settled, either that the Points lying before the Lords by my Bill of Advocation shall be forthwith brought to a Determination, or that the Determination of them shall not be brought on this Session, though the intended Negotiation for an extrajudicial Settlement on the Merits of the Cause should prove fruitless, and be at an End within the Session. I would wish that the first Branch of the Alternative was embraced, because I can, and do assure you, that, though those Points were given for me, it would not alter my Inclination to put my Justification or Condemnation with the

World

(a) Meaning the foregoing Letter put by the Conveener into my Hand for a Time to consider of.

(b) Meaning those about my Fears of the Provost's Resentment.

(c) So said, because I had said the same Thing to the Conveener on my first reading the Provost's Letter in his Company.

(d) viz. That I should not let it be known to any Person that such Proposal was made to me.

' World upon the Issue of the Report of Gentlemen of established Re-
 ' putation and Skill, after their having inspected and examined the Books
 ' as to the *Facts I have asserted*; THAT is what I would do, nay insist,
 ' as far as I could, to have done, was I this Moment acquitted of the Fis-
 ' cal's Complaint upon any Ground whatever, other than a fair Discussion
 ' as to the *Verity or Falshood of the Facts*. I say, it is because I can, and
 ' do assure you that I will, so behave, though the Points now ready for
 ' Determination were decided for me, that I insist on the Preliminary a-
 ' foresaid; and, at the same Time, I ask no such Assurance from any Body
 ' in Behalf of the Fiscal, should they be decided against me, but leave him
 ' at full Liberty to take the Advantage of such Decision. As I am in-
 ' formed that Lord *Sheuallon*, upon Motion from Mr. *Dunbar* (e), has al-
 ' ready directed that Papers be printed, in order, as I suppose, to a Report;
 ' you see that it is absolutely necessary that we be immediately in Concert
 ' as to the Point above stated (which I humbly think may be managed
 ' without Communication to many.) If that is not immediately concerted,
 ' I cannot see how I can at this Time go any farther as to the other,
 ' and therefore shall say no more till I hear from you on this, but that,
 ' I am, &c.

Edinburgh, June 8. 1752.

(Signed) ANDR. CHALMER.

3d. Andrew Chalmer to Mr. Drummond, Lord Provost.

MY LORD,

' When I reflect on the Profession publicly made by the Lawyers for
 ' the Procurator-Fiscal of this City, touching the Purpose or Design of
 ' his Prosecution against me for the Publication of the *Historical Account*
 ' of the *City's Duty on Ale*, &c. and compare it with what I had wrote
 ' and said, both before and after the commencing of that Prosecution, I
 ' cannot help thinking that the Commencement has been owing to some
 ' mistaken Conceptions in the Body of the Council, as to my Intention
 ' or Design in that Publication, and an Opinion that I would not give
 ' Satisfaction as to *That*; and I am persuaded, that, if the Prosecution is
 ' continued, it will be owing to my not being able to procure the Belief
 ' necessary for rectifying those Mistakes, and altering that Opinion.

' I knew nothing in particular with Regard to the Management of that
 ' Duty since the 1716. before the late Application was made to Parlia-
 ' ment for Renewal of the Grant: How I came thereafter to know any
 ' thing about it, your Lordship knows; you also know, that every Pro-
 ' posal for Delay, till the Matter should be deliberated upon, was rejected,
 ' and,

B

(e) The City's Agent

and it is evident, from what followed, that I had no Mean left for obtaining Assistance toward the End I had in View, but that Publication at the Time when I made it.

I can't know what might be fixed upon me by Construction or Presumption, as to my Intention in, or the Tendency of, publishing the *Historical Account*; but I am sure, that no Person to whom I wrote on the Subject, before the Publication, can think that I had any bad Intention in it, if I am to be believed at all: On the contrary Supposition, it is vain for me to repeat my own Professions, and yet I will again say and declare, That I meant not to hurt the Credit, or obstruct the Interest, of the City, nor to injure the Reputation, or moral Character, of any particular *Persons*, concerned in the Management of its Revenue; That my sole Intention was to have the Renewal of the Grant put upon a just and fair Representation of the State of the past Accompts, and attended with some Regulations which I apprehended to be necessary for securing the right Application of the Duty, and rendering the Grant more beneficial to the City in Time coming.

As to the Facts asserted in the *Historical Account*, your Lordship knows, that, immediately after the Publication, upon hearing that it was said that some of them were false, I offered, on being shewn that, to retract publicly; ever since that Time, it has been my Desire, and still it is my Wish and Desire, *that the Facts should be fairly und thoroughly examined into*; and, as I apprehend, that such Examination can be made (to as good Purpose at least as before a Court) by the Interposition of Gentlemen of Reputation, for Integrity and Skill beyond Exception, and *to be named by the Town-Council, being five or more in Number*, so I am willing to acquiesce in the Report of such Persons, *as to the Facts*, to be justified to the World, if they report, *That the Facts advanced in the History are true*, and to make any Reparation which can, in Reason, be asked of me, *if they find it otherwise*.

I hope this may satisfy as to my Intention in what is past, and tend to put an End to all litigious or adversary Proceedings for the future (which will be very agreeable to me): And if your Lordship thinks proper to communicate this to the Council, or any other Persons, for bringing that about, you are at full Liberty to do so. I am,

My Lord, Your Lordship's most humble Servant,

Edinburgh, 11. June, 1752.

ANDR. CHALMER.

Under Cover, address'd, To the Right Honourable the Lord Provost of Edinburgh.

COPIES

C O P I E S

O F A

LETTER by ANDREW CHALMER to two of the Gentlemen-
Examiners, after the Report was given in to the Council,
and the PAPER he had prepared to lay before them all.

Edinburgh, 31. July, 1753.

S I R,

I Had it on *Saturday*, from pretty sure Hands, That, on the Report
lately made by you and others to the Town-Council, the Prosecution
against me is to be revived, and, That Lawyers are immediately, or soon,
to be advised.

The legal Consequences, with respect to myself, give me no Uneasi-
ness whatever, but I should be sorry to be (though innocently) the
Cause of a further Waste of the Community's Money, or to be
brought under the Necessity of saying any Thing in publick which
might seem, in the smallest Degree, to touch upon you, or any of the
other Gentlemen Reporters: I think you have wronged me in some
Particulars, but, as I am sure your doing so can have proceeded from
nothing but Mistake, either through Non-attention to what was my sole
Point in the Reference, or through my not having explained fully e-
nough some other Matters, because not in the Town-Council's
Condescendance, or not insisted on as material while I was before
you, I cannot doubt of the Willingness of you and the other Gentle-
men yet to make Rectification, where I shall clearly and instantly
shew you that you have erred, as to my personal Concern.

I therefore give you this Trouble to intreat, that you would
suggest to the proper Hand, or Person, the Impropriety of the Council's
taking any Step on this Report, till you, and the other Gentlemen mak-
ing it, have considered a few Remarks which I propose to offer to
yourselves upon it, and have signified whether these have induced you
to vary in any Respect from the Report already given in: If this Mo-
tion is made, and prevails for a Stay of Procedure, I shall not give you
much Trouble, nor keep you long in Suspense as to what I point at,
and it will tend to prevent Consequences that will be to me more dis-
agreeable

“ agreeable than any which could possibly have followed, had the Affair
 “ proceeded in the most adversary Manner from the Beginning.

“ I am, &c.”

*Addressed to Mr. George Chalmers, Writer to the Signet, under Cover
 of the following.*

S I R, *Edinburgh, 31. July, 1753. about Four Afternoon.*

“ My writing the inclosed to you, and another in like Terms to Mr.
 “ Farquharson, is in Consequence of the Advice of some of my best
 “ Friends, on shewing your Report, and giving verbally some Observes
 “ of mine on it. I designed to have been the Bearer to both of you my-
 “ self, to the end I might have explained a little what I complain of; but,
 “ as I find it impossible to command the requisite Time this Afternoon,
 “ and it might perhaps be out of Time To-morrow, I hope you’ll ex-
 “ cuse me, and take this in good Part. The Proposition coming from
 “ any one of you can’t miss of Success for one Council-Day. Delayed
 “ till you should all be advised, might render it improper to be at all
 “ made. It may land in Good, it can do no ill; but do in it as you
 “ judge fitting. I am, &c.”

N. B. Mr. Francis Farquharson *was wrote to in same Words, only
 changing the Names.*

*To Messrs. George Chalmers, George Boswell, Francis Farquharson, John
 Campbell, and James Spence, Examiners in the Matter after men-
 tioned, nominated by the Town-Council of Edinburgh.*

GENTLEMEN,

The Publication of my *Historical Account* of the City of *Edinburgh’s*
 Duty on Ale, and of the Management of it, without attaining the End
 for which, and for which alone, it was honestly intended, has given Rise
 to, or been the Cause of, many Things, (in some of which I can scarce
 expect to be believed, when I shall, if ever I do, set them before the
 World) but none of them has occasioned so much Surprise to me, as the
 Report touching that Affair lately given in by you to the Town-Council.

It was my hard Fortune that the Purposes of this Publication were mis-
 understood: I set forth former Errors, only to the End, that, in Time to
 come, they might be avoided, and that the publick Money might be ex-
 pended according to the System devised by the Legislature; but unhappy
 Prejudices, in a great Measure, disappointed my upright Intentions; and,
 what I hoped might have landed in something useful to my Fellow-Citi-
 zens, was explained into private Satire, and personal Invective.

Immediately

Immediately upon Publication of this Pamphlet, Mr. *Drummond*, then Provost of this City, affirmed (I am sorry to say it) not only in common Conversation, but to particular Noblemen and Gentlemen whose Esteem I highly valued, That it was altogether founded on wilful Misrepresentations of Fact: This Charge, had it been supported by proper Evidence, could not but have rendered me hateful to the whole City, and unworthy of the Friendship of every good Man. It was no Wonder, therefore, that I was extremely anxious to have the Truth, *as to the Facts*, properly and fairly ascertained; and, having been refused all Means of Satisfaction in a private Way, though I recently applied to Mr. *Drummond* for that Purpose, with a Promise to certify the real Truth, in Opposition to what I had said, if I was shewn that they differed, I did what lay in my Power to provoke a judicial Disquisition, by re-asserting and maintaining, on every Occasion, the Truth of every Thing I had asserted as Fact in the *Historical Account*.

Mr. *Drummond*, being thus importuned by me, got a Memorial framed, stating Facts, and quoting Clauses in the Laws, relative to this Matter, with less Candour, *at least*, than might have been wished, and concealing it most carefully from the Sight of the only Man who would have been at the Pains fully to set forth the Facts, (though it was printed and shewn to many others). He induced the Council to advise 12, 15 or 16 Gentlemen of great Eminence in the Law upon this Question, 'If an Action lay against the Author of the *Historical Account*, as guilty of publishing a 'defamatory Libel.' It is no Wonder that the Answer was in the Affirmative, *supposita factorum veritate*: And as certain, I think, that it must have been in the Negative, had the full and real State of the Facts, and of the Law, been set forth.

Advice being *thus* got, *That Action lay*, it will not surely be believed, that an unprejudiced Disquisition *into the Facts* could be intended, when that Action was brought, before the Persons who were in the very Indictment said to be defamed, and who were present with the Lawyers when the principal Point that must have come in Issue on a Tryal was advised and determined against the Party accused, without hearing or knowing what he had to say in Way of Defence; and the impartial World will never think, That my declining these Persons as my Judges, betrayed any Unwillingness in me to have the Merits of the Cause tried, with all Speed, in a fair and open Manner: At the same Time that I declined them as Judges, in order to having the Cause removed from them to the Lords of Session, I declared myself ready to join Issue *upon the Truth or Falseness of every, all, or any of the material Assertions in Fact*, contained in the *Historical Account*, either before their Lordships in a judicial Way, or before any Number of

good and qualified Burgesſes, who had never born Office in the Councils of this City in an extrajudicial Way. And,

When Provost *Drummond* was pleaſed, after diſregarding this Propoſal from me for ſix Weeks, to make it his own Propoſal, by a Letter to the then Conveener, which the Conveener put into my Hands; I inſtantly agreed to it, though it took five or ſix Days to put the Terms into Writing, as may be ſeen from the three Letters recorded in the Council-Books, on the 17th June 1752.

What was aſk'd of, or propoſed to, me, was, That I ſhould do, what I had been doing conſtantly for more than four Months before, *i. e.* 'Signify my Sollicitude to have the *Facts* I had aſſerted in the *History* 'thoroughly examined into, by Gentlemen of eſtabliſhed Reputation for 'Integrity and Skill, my Willingneſs to acquieſce in their Report in Relation to them, to be juſtified to the World, if theſe Gentlemen reported, 'That the *Facts* I had advanced were true, and to make any Reparation 'that could, in Reason, be aſked of me, if they found them otherwiſe.' I did ſo: I left the Nomination of the Gentlemen, who were to examine and report, to the Town-Council itſelf, and they named you five: And as I had, by my Letter to Provost *Drummond*, put my Juſtification or Condemnation with the World upon the Report to have been made by you of the Truth or Falſhood of the *Facts* aſſerted by me in the *Historical Account*, and upon that Point alone, ſo the Council was pleaſed to recommend to you, 'to examine the *Facts* contained in the *Historical Account*, 'and to compare the ſame with the Books of the Overſeers of the Ale-Duty, the Minutes of Council relative to that Subject, and Accompts of 'the Produce and Application of that Branch of the City's Revenue ariſing from the new Gift, kept by the City's Accomptant, and to report 'your Opinion to the Council upon the whole.'

You know, That you met for the firſt Time on the 3d of July 1752. and I doubt not, but you will all remember, That the only Point treated of as that which was to be inveſtigated was, *The Truth or Falſhood of my Aſſertions in Relation to Facts*, and that the Queſtion toſſed among you for ſome Time was, 'Whether I ſhould be ordered to point out and ſet forth the Evidence for every Fact I aſſerted,' as was then inſiſted on by thoſe appearing againſt me, or, 'The Council ſhould be put to ſet forth 'the particular *Facts* which they ſaid were falſe?' which ſome of you inclined to of yourſelves; and, That, to ſave all Debate and Delays, I offered furthwith to vouch every one of the *Facts* by me aſſerted.— However, you were pleaſed to direct that the Council ſhould give in a Liſt of all the Particulars which they apprehended to be wrong in the *Historical Account*, and that I ſhould answer it when given in.

I think

I think I might venture to say, that no Man present understood the Words *Particulars wrong*, here used, as signifying any thing other, or else, than *particular Assertions, false in Fact*. I am sure it was in that Sense only that I understood them; and one of you, Gentlemen, will surely, if his Memory serves him, attest, 'That, on getting the Council's List, and observing, that ther was not one Assertion of mine in Fact so much as alledged to be false or wrong,' I gave him the Trouble of perusing it, and asked his Opinion how far I should at all make any Answer to it, since I had come under no Obligation to subject the Rectitude or Errorousness of my Opinions or Inferences to your Cognisance, and inclined, not at that Time to enter on defending them, or opposing any contrary Opinion which might be given; and it was only in Compliance with his Opinion given me, that I at all entered on the laborious Task, which was necessary for answering the whole of the Condescendance as it stood, and which issued, after nine Days close Application to the Books, &c. in that Answer which I, on the 30th of July 1752. signed, and lodged with the Gentleman named Clerk by you.

In that Paper I went through the Condescendance as it was laid against *Wrongs in my Opinions* (speaking as modestly as possible on those which I could not find any Reason for giving up) and I took Notice of, and re-affirmed *all the Facts* on which they were founded, and to show that it was only the establishing *whether those Facts were or were not true* that I considered as my Concern, I, after running over them all, set forth, 'That, after going through all the Books concerning the Management of the Duty on Ale, from the 1717 to March 1751, I could not discover that I had so much as erred in the smallest Jotta as to any Assertion in Point of Fact in my *Historical Account* in all that Time, except as to two Particulars of no Importance whatever (f) which had not been hinted at, in the Condescendance, as Wrongs in me, but which I had discovered myself.' And, in the closing Paragraph of my Paper, I said, 'That with regard to Matters of Opinion, I was resolved to give myself no further Concern; That I was not at all anxious what you did on that Point, nor how long you should keep it in Dependence, if the Council insisted on your saying any Thing upon it; but, That, as my Justification or Condemnation with the World, in respect to my moral Character, depended on the Issue of your Declaration, touching *the Truth or Falshood of the Facts asserted* in the *Historical Account*, I hoped you would speedily proceed to give such Declaration on that Point as to you should seem just.' Confident as I was, That that Declaration must have been, That all and

(f) See them Line 4. Page 22. of Answers to the Condescendance.

and every one of the Facts I had asserted (excepting with respect to the two Things above hinted at) were true, or, at least, that the Council had not proved, nor even insisted or attempted to prove, That any one of them was false; I did not, I never could, see a Reason why the giving such Declaration should have been delayed till you had Leisure to search into a Multiplicity of Books, and make up a Report for justifying the Management: However, as you chose to do so, I chose, rather as break Squares with you, to endure a little longer the cruel Reflexions on my Character, which were even said (though falsely said) to have been *then* authorised by the Proceedings before you.

I was, after this, called to two of your Meetings, at which nothing material was done, so far as I can remember, or as appears from your Minutes: The Things which stuck with you, as I took it, or retarded the Conclusion, were such as concerned the *Justification of what was done*: I declared, That I would not meddle with *that Point* more than I had done; and, in short, I read over and over the Parts above quoted of my Answers, as all that needed be said, or that I was resolved to say before you, that is, on the Point as to which alone I had agreed to acquiesce in your Declaration.

The last of these Meetings was on the 20th of *December 1752*. and you know that I never once heard from any one of you what you were a-doing, or what was done, till the 25th of *July 1753*. that your Clerk delivered me a Copy of a Report signed by you all, and that Day given in to the Council.

I have been obliged to make this Detail of my Behaviour in the Affair all along, to refresh your Memories, as to the Point before you, in which I took, or looked upon myself as having, any Concern. This seems entirely to have escaped you in your last seven Months Proceedings, since I cannot find one Word directly applying to it in any one of the nineteen Pages of your Report, and *that principally* obliges me thus to complain of it to yourselves.

You have been pleased, as the closing Stroke of your Opinions in favour of the Administration, to say, 'That, in general, you have seen nothing from the Books that gives Foundation for the Reflexions, in the *Historical Account*, upon the Council and Overseers for their Actions and Management of the Two-penny Duty.' I am willing to construe (and I hope you mean) this as importing a Confession, 'That every Thing asserted in the *Historical Account*, as from the Books, was really in them, and truly set forth, tho', in your Opinions, they gave no Foundation for the Observations, Inferences or Conclusions drawn from them in the Pamphlet.'

' Pamphlet.' The Words will bear *This*; and, if I was sure That every Body would take them in this Sense, I should rest satisfied; but, as they may possibly be interpreted as importing an Affirmation from you, *That there is nothing in the Books giving Foundation for the Facts asserted*, I must beg Leave to insist for your own Explanation.

The Point certainly at Issue before you, between my Accusers and me, was this, *Whether the Facts asserted by me in the Historical Account were true or false*, that is, *warranted or not warranted from the Books by which I asserted that they were warranted*; and, When I had put my Character, my Justification or Condemnation in point of Character, with the World, upon your Declaration as to that Issue, and you had tried the Issue, I think I had Right to expect a most positive and clear Declaration on one Side or other with respect to it, distinct and separate from, not blended with, Opinions of Opinions formed on, or Inferences drawn from, the Facts.

With regard to what I set forth, as having past, or been said, before the Year 1717, that is, in the Process 1710; I asserted nothing, but ' That the Litigants in it affirmed or alledged so and so.' And I proved that they did so, not only by Production of the printed Paper (which I owned was my only Authority at the Time I wrote the *Historical Account*) but also by informing you, *That that Process* being thereafter, with much Pains and Labour, discovered it *was at Command*, if requisite, and *that that printed Paper was authenticated* as a Part of it, and lying with the other Warrants. And,

With regard to every *Particular in Fact asserted* by me from the two Books of Sederunt of the Overseers, I offered, at your first Meeting, as I have said, *to turn up the Page from which it was taken*; and when I had, in consequence of your Order, seen these two Books again, and gone through them, and many other Books (given me as *All*, and verily believed by me to be *All*) that concern this Revenue from the 1717 to the 1751, I set forth, and said, ' That I could not discover that I had so much as erred in the smallest Jotta, *as to any Assertion in point of Fact*, in all that Time, excepting in two Trifles, as already mentioned.'

Whether you did take the Trouble to peruse the Books, and try whether this my general Re-affirmation or Re-assertion of the Truth of the Facts was fully verified and supported by them, I do not know; and therefore know not whether you can declare positively, That they did all appear to you to be proved: But this, if I am not entirely mistaken, you can declare, *That I offered before you to prove every one of them from the Books*, and *that the Council did not disprove or falsify any one of them*, nay, nor offer nor pretend to do it. In short, I apprehend, that I have

Right, from the Part you undertook in this Matter, to expect that you will declare yourselves explicitly, in general, or in Particulars exhausting the general, *Whether I have or have not satisfied you of the Truth of all the Facts asserted in the Historical Account, or whether the Council has, or has not, falsified or disproven any one of them?* And I hope you will do so.

In the last and closing Part of your Report, you have been pleased to set forth certain Declarations and Acknowledgments of mine, and to give it as your Opinion, 'That, in respect thereof, the Wrongs and Injuries complained of in the Council's Condescendence are, in some Measure, lessened and extenuated.'—But—I cannot find out That you had any Thing to do with this Point: The Council did not recommend to you to consider any Thing but *Facts concerning the Produce and Application of the Duty on Ale*, and I do not think that I ever gave you Commission to make any Apologies for me.

It is true, That, being charged with 'Malice and ill Intention in the Publication of the *Historical Account*, with publishing it wantonly, too hastily, or without taking Time for Enquiries and Re-searches, which might have prevented my stating several Particulars, of bad Appearance, in a dubious or hypothetical View, and with obstinately refusing to do any Thing for clearing up these Particulars of myself, &c.' I thought it incumbent on me to clear myself to you, as Gentlemen whose good Opinion I have a Value for, of the Weight of these Charges, as they were absolutely groundless in themselves, but I had no Notion that any Thing relative to this Point was to enter your Report: Had I seen *it* before it was lodged in the Hands of the Council, I would have insisted with you to take no Notice at all of these Things; and, if you should not have gratified me in this, I would then have insisted, That you should have set them forth in their full and proper Light, in my own Manner and Words. You must then have set forth,

That, in my Answers given in before you, I had said, not only, 'That I had no evil or malicious View in the Publication, and that the only Thing I had in View was to engage the Attention of those who had it in their Power, and make them call for a just and fair State of the past Management and Accompts, as the proper Foundation to go on for rendering the Act proposed truly beneficial to the City for the Time to come;' but also, 'That the Publication was forced from me, by the repeated Refusals of Provost *Drummond* to hearken to any Proposal of the shortest Delay in pushing the Petition then depending in Parliament,' [a Petition for an Act to commence only in the Year 1761] 'for deliberating
on

on Alterations; That, if there were any Inaccuracies or Slips in the *History*, they took their Rise from the Hurry with which the Operations for obtaining that Act were carried on; That, if any Particulars stated in the *History*, of ill Appearance, as on the Face of the Sederunt-Books of the Overseers, could have been cleared from other Books, its not being done, was owing to Provost *Drummond*'s having taken those other Books out of the Possession of the proper Officer, so that I could not get them when I called for them; and, That when, on the third or fourth Day after the Publication, I heard that Mr. *Drummond* had represented the *Historical Account* as false in some Fact, or Facts, I instantly signified to him, then the Provost of the City, That, on being satisfied that any one Thing was false, or erroneous in Fact, I would own it publicly; but— That no Satisfaction of this Kind was ever offered me.— You must also have set forth,

That, when these Points of Fact seemed to be denied, I appealed, for Proof of them, to Letters of mine to Provost *Drummond*, as in his own Hand, and that severals, relative to this Matter, being produced (*b*), it appeared from them, ' That I had the first Notice of the Design of petitioning at that Time for such an Act of Parliament only on the 6th of *January* 1752; by Accident, and after the Petition, and a Draught of the Bill, had been sent off for *London*. That I even then assured the Provost, ' That I did not incline to oppose the Bill, as being sensible that it was ' absolutely necessary for the very Being and Subsistence of the City.' That, writing to him on the 17th, when the Votes of the House of Commons informed me, that the Petition for the Bill had been presented there on the 10th, after expressing my Regrete at the taking that Step so hastily, I exprest myself thus, ' But, since that Step is taken, I should be sorry, ' as I think every Man who has the smallest good Wish towards the City ' should be, that it was not carried through this Session: All I have to ' wish for now is, that the Act may be made a good one for the City, which ' I do not think it entirely is, on your Plan. — It might perhaps answer ' your own Intention and wish, in the best Manner, that you would not ' hurry quite so fast, but allow some reasonable Time for Satisfaction, &c.' That, on the 21st ditto, I wrote Provost *Drummond*, signifying, ' That ' Mr. *Alexander Chalmers* had told me, that the Books relating to the ' Two-pennies on the Pint of Ale' (*i. e.* the Books, other than the two Sederunt-Books of the Overseers which I had from *James Pinkerton* by the Provost's Order) ' were not in his (Mr. *Chalmers*'s) Hands, but ' in his (Provost *Drummond*'s) and that he signified a Shyness of letting ' me look into them, though he had had them, without a written Order; and

(*b*) See them subjoined.

and therefore requesting it as a Favour, ' That he (the Provost) would put back the Books into the Hands of (Mr. Chalmers as) the proper Officer, and remove his Scruple in the Way he desired.' These were before the printing off of the *Historical Account*, and when it had been but two, or at most three, Days published here, then was wrote the Letter, of the 31st of *January* 1752. set forth in your Report, ' Desiring to know, from the Provost himself, what were the two Paragraphs, or Particulars, in the *Historical Account*, in which he had been saying, to sundry Folks, that I had erred, or falsified in Fact, and promising, that, if it was so, he should have my own Certificate thereupon, &c.' And, in fine, my Letter of the 11th of *June* 1752. also taken Notice of by you, as to one Paragraph only, is full and strong on this Head (i); for, after mentioning sundry of the Particulars already mentioned herein, it says, ' It is evident from what followed, that I had no Mean left for obtaining Assistance towards the End I had in view, but that Publication at the Time when I made it.' And afterwards sets forth that End, in these Words, ' My sole Intention was to have the Renewal of the Grant put upon a just and fair Representation of the State of the past Accompts, and attended with some Regulations, which I apprehended to be necessary for securing the right Application of the Duty, and rendering the Grant more beneficial to the City in Time coming.'

These Things, I humbly apprehend, ought all to have been set forth upon this Head, since you chose to meddle with it, as they were authentically before you; and if a Note I sent, the Day after last Meeting I had with you, to that one of your Number to whom it was remitted to draw up your Report, was delivered, it should also have been noticed, ' That I shewed, by Appeal to the Votes of the House of Commons, that the Bill was past there on the 6th *February* 1752.' that is, within Twenty seven Days after the Petition for it was presented, within Fourteen Days after it was brought in, within Twelve Days after the first Copies of the *Historical Account* were put in to the Post-Office in *Scotland* for *London*, and consequently within Seven Days after their being in *London*. If the Note was not delivered, there is no Fault charged, but still it is fit, that that Fact be now mentioned, as it also is, to set furth what I now assure you of, viz. ' That, so far as I can recollect or find out, I never heard of Provost *Drummond*'s having returned the Books I wanted, till he himself told me so, when I, with others, waited on him, to shew him a Petition, relative to the Bill, intended to have been presented to Parliament, on Behalf of the Poor of the West-Kirk Parish, (which I am able to prove was on *Saturday* the 25th *January* 1752.) ' That I then told the Provost, It was out of Time now to offer me the Books, for they could
' be

(i) See it above at length.

' be of no Use to me;' and, as I had before despaired of getting these Helps, and saw I had no Time to lose, I had caused set the *Historical Account* at the Press, and, Eighteen Copies were cast off, and sent to Members of Parliament, one of which to the Member for the City in particular. I say, It is fit That these Things should be set forth, as coming from me, to the End that, from them, and the other Particulars aforesaid, every one may judge for himself, whether my Answers to these Charges of Malice, unnecessary Precipitation, &c. are founded on the real Circumstances of the Case as at the Time, or devised *ex post facto*, to screen me from the Consequences of a Prosecution.

With regard to my other Acknowledgments, which you have been so good as to set forth, as tending to extenuate my Guilt, I wish you had given my own Words on every one of them; but I shall only notice one Thing here, *viz.* That the MANY Particulars, as to which I *seriously* declared, That I had got Clearance from the Books shewn to me by your Order, and which I had not seen at publishing the *History*, are, and are mentioned to be, *such as were stated therein in a dubious Way*; for, I must always repeat it, I never saw any Thing in any Book to satisfy me, that any particular in Fact, which I had asserted, was otherwise than as I asserted it to be, except as before excepted (k).

Having thus got through what I had to observe on your Generals, I will endeavour to be very short as to your Particulars on the eight Articles of the Condescendance. And,

With respect to the first—Because in the *Historical Account* I had said, ' That it appeared, that the Ale-Duty was lett for fifteen Years, preceding *August* 1710. at such a Sum,' you make a State from the City's Books of the Tack-Duties for *these fifteen Years*, and the Deductions given out of them for two Purposes, 1st. to shew, *That the Medium on them was not so much as the Sum mentioned in the History*; And, 2^{dly}. to shew, *That the Sums allowed out of THEM were not 14580 L. 1 s. 11 d. but only 10580 L. 1 s. 11 d.* But, when you put yourselves to all this Trouble, it has surely escaped your Notice, That it was made

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appear

(k) That Part of the Answers, which relates to the Satisfaction I had got touching the Accompts being kept in a regular annual Chain, has these Words in the Person of the Author of the *History* as Respondent, (after declaring, That he would be very glad to see the Administration cleared) ' And, upon this general Head, it appears to him, That the Council has an easy Method of satisfying every Man, how far the Regulations of the Law, touching the annual Application of the Fund, have been really observed; and that is, BY EXHIBITING IN ONE VIEW, *that Chain of annual Accompts* which the Respondent has now seen recorded, &c.' Whether the doing of that would not have tended more to give that Satisfaction to others, which I had received, than telling them that I was satisfied that the Accompts were regularly kept? I leave to Consideration.

appear by myself, By my giving you the printed Paper at large in the Answers to the Condescendence, in the End of *July 1752*; and more explicitly, By the then Magistrates Scheme, in Process signed (though in Print) by *John Dickson* Accomptant, That it was a Mistake in me to call the fifteen Years computed on, the fifteen Years preceeding *August 1710*; because they were, *per* the printed Paper, the first fifteen Years of the Grant 1693. that is, *per* the signed Scheme, the fifteen Years from 1st *July 1693* to 1st *July 1708*; and so, the 14580 *L. 1 s. 11 d.* was wholly given down on the fifteen Years truly meant, and explained to have been meant, according to the showing of your Report, and the real Fact: And I had owned, *That it was Scots Money, not Sterling*, before you had Occasion to look into any Book or Paper about it. And, if you did not think it incumbent on you to take Notice of the Account I had given of the Reason for its being set down in the Way it was set down, I would have expected, at least, That you should have said, Whether there appeared any Design in that? and, Whether it had any Influence on any after-Part of the Pamphlet, or any Computation whatever was founded on it?

With respect to the second Article—You give it as your Opinion, upon Comparison of certain Computations, ‘That, instead of Loss, the City had more Benefit by the Agreement with Sir *William Johnston*, for the last thirteen Years, than it had by the former fifteen Years.’—I have not so much as said, ‘That any of the then Litigants alledged or affirmed the contrary of this;’ nor can I find ‘that they ever did.’ Neither have I any where affirmed one Word in Relation to this whole Story 1710; But, *that the then Litigants affirmed or alledged so and so*; and I have proved, That so and so they did affirm and alledge.—But,

You give it as your Opinion, ‘That I, before publishing my Pamphlet, should have looked into the Process itself, to have seen what the Council had said on their Side, and not relied wholly upon what was asserted by the other Party.’ And you affirm, ‘That, if I had so looked, I would have seen a printed Scheme for the Council, *demonstrating the contrary* of what was asserted in the Scheme given in against them, and would have seen the Lords Interlocutor, of 27th *July 1711*, justifying the Conduct of the Magistrates.’

This, Gentlemen, implies a Charge of such a Nature as, I beg Leave to say, ought not to have been made against any Man, without letting him know that it was to be made, and giving him Opportunity to make an Answer. I know that it was thrown out at the first of your Meetings, by a Gentleman attending for the Council, That I should have looked into that Process; but some of the Things I am now to mention, being represented, they

they gave full Satisfaction at that Time, and I never again heard it moved. It was not resumed in the written Condescendance thereafter given in, nor did the Council pretend to say, That such Things as you mention were to be, or could be, seen from that Process; and therefore I could never imagine, that such a Charge was to be made an Article against me in your Report: And now, with respect to it,

1^{mo}. Had I known where the Process was to be touched, in an Hour's Time, when I was writing the *Historical Account*, it would not have entered into my Head, that it was necessary for me to look into it, because (whatever Noise has been made on this Part of the *History*) I never considered it, or what preceded it, in any other View than as an Introduction to the History of the *Management after the 1716*. And,—

2^{dly}, Had it been necessary to desist from publishing till I could have found out this Process, I must even have let it alone altogether: I never imagined that I would have any Use for it, till I received my Indictment on the 23^d of *March 1752*; I then set about the finding it out by all the Methods I could think of: I can't recollect precisely when it was found, but I am pretty sure that it was not got when I was standing my Tryal; and, considering that it was a Process above 40 Years old, in which no Decreet had been given, and of which there was no Part on Record, it was a hundred to one that ever it cast up.

But now that I have seen the Process, I have not been able to find out from it the Things you say I would have seen, if I had looked at it, before publishing my Pamphlet. I see indeed two Schemes, by which the Litigants against the Council pretended to demonstrate, *That Sir William Johnston had, by his Bargain, the great Sums of 121410 L. or 108639 L. Scots, which the City would have got MORE THAN HE GAVE, if the Tack-Duty had been 16100 L. imputable quarterly, instead of his 60000 L. imputable yearly, for the thirteen Years*. And I see a printed Scheme for the Council, consisting of two Parts, one shewing or demonstrating, *That thirteen annual Payments of 60000 L. would do what Sir William had undertaken to do*; and the other shewing, *That thirteen Times 60000 L. was more than had been made of the first fifteen Years Tack-duties*.—— These are not contrary Propositions, but entirely consistent, as they might have been all three true, or all false. And, as to the Lords having justified the Conduct of the Magistrates, by an Interlocutor of 27th *July 1711*, I find two Interlocutors of this Date, one touching a Declinator of one of the Judges, and the other, in these Words, 'Find the Magistrates and Town-Council had Power, by the Act of Parliament, to dispose of the Imposition of Two-pennies upon the Pint
' of

of Ale, for the thirteen Years, otherways than by Tack and publick Roup. That indeed is a Justification of it in one Sense; I leave you to judge, whether it be a good one in the Sense intended (l).

With Respect unto the third Article—I make no Doubt but the Fact is as you state it from *the City-Books*, as to 17464 L. 11 s. 10 d. of the 17749 L. 8 s. 4 d. borrowed in *January, February, March and May* 1718. (considered by you as Branch first of this Article). But, *imo.* as your Order did not extend to *those Books*, I have not, at this Day, seen one of them, and so could not, in my Answers before you, vary from what I had said in the *History*, as to this Sum. *2do.* You leave the Matter where it was, as to the remaining 284 L. 16 s. 5 d.; since you do not say, That Credit is given for it in that Scheme, which makes the Twopenny-Duty Debtor to the City in 6025 L. 13 s. And, *3dly.* if you had adverted to the Terms of the Overseer's Sederunt, of the 24th *June* 1718, as set forth in the *Historical Account* (m), and as standing in their Book, and one of the 29th *July* 1718 (n); you would not have differed in any Respect from the Account I give as to these Debts, nor seen Cause to presume, that ever the List of these Debts was considered by the Overseers, or that any Satisfaction was ever given to them thereanent. As to Branch second of this Article, *viz.* the 11000 L. got for *Wolmet*, you and I agree exactly in the Representation of the Fact, and I am not to meddle with Opinions. And, as to the third Branch, *viz.* the 7000 L. 8000 L. or 10000 L. of the Sums borrowed in *anno* 1723. of which I could not see

(l) Suppose that Provost *Drummond*, and several other Gentlemen yet alive, were to be indicted for framing, publishing, and dispersing a defamatory or injurious Libel against the Magistrates of this City for the Year 1710, &c. containing false, malicious and scandalous Representations of their Administration of the publick Trust committed to them by Law, in so far as, upon the 8th Day of *November* 1721, they caused print and publish a certain Libel, entitled, &c. and therein had falsely, maliciously and scandalously represented the Administration of the Magistrates and Councils of *Edinburgh*, from the 1710 downwards till 1716, as destructive of the publick Interest of the City, and more particularly, by asserting, 'That, till the 1716, the City's Money-Matters were under a loose, or worse than loose Administration; That a great Part of the Common-Good had been unnecessarily consumed in unprofitable Expences; That the Grant of the Duty on Ale had been in the City's Possession for seventy Years, without lessening in any Sort its Debts, and without advancing any publick Work of Value; That thereby, it appeared to Demonstration, that either it had been mismanaged, or turned into private Pockets, &c.' I say, suppose these Gentlemen were thus indicted, and they should lay their Defence on the re-affirming, and offering to prove the Facts, Would it be a good Reply, That the Lords of Session had given an Interlocutor in the above Terms?—And, Is it not surprising, That there should be so much ado about my accusing the Magistrates of 1710 of Mal-administration; (though I had done so) in a Prosecution directed by the Gentlemen who thus loaded it the Year 1721?

(m) P. 5 and 6.

(n) Also mentioned in the *Historical Account*, P. 7. which, as to the Point here referred to, contains only a Recommendation to confer further on this Article, and report, 'It being of Importance, and requiring more Time.'

See the Accompt in the Overseers Sederunt-Books, I had owned in my Answers before you, near a Year before your Report, ' That I was satisfied ' from the other Books, that what was not actually expended of the fore- ' said Borrowings, at the Time when the Overseers made up the List of ' the principal Sums of the City's Debts, was reserved as a Fund for ' paying Annualrents incurred, and the Expences of publick Works for ' the Year then begun, and was accordingly afterwards accompted for.' And thereby I had myself shewn, as you justly say, that no Part of this Money was left to the Council to pocket up, or squander away on Pur- poses extraneous from the Trust of the Overseers (o).

You divide the fourth Article, very naturally and justly, into two Branches—Your State of the Facts on the first Branch agrees exactly with mine, so far as you go, and, according to it, I admit, *That the Ex- tent of the Power of Anticipation in the Council and Overseers jointly seems to be unlimited*; but I noticed farther, ' That a Proviso was made, That, ' from the Moment the Grant took Place, there should be a certain Sum of ' the capital Debt then due extinguished annually, to wit, 500 L. in each ' of the first nineteen, and 2000 L. at least, in each of the last nineteen ' Years.' Which I looked on as a virtual Limitation on the Extent of the Powers of Anticipation, as a tacite Direction so to use these, as that the Interest of the Borrowings, and the other annual Burdens, should be 500 L. within the annual Produce. With the Opinions given on the a- greed Facts, I meddle not (p). Upon the second Branch of this Article, you take these Words of mine, ' The Accompts of the City-Revenue were ' raked into,' as an Affirmation of a Fact; and, in that Sense, I own it was *wrong* in me to say so, because I had no proper Authority for it, knowing nothing, to this Hour, how the Accompt of the 938 L. 9 s. 8 d. for Causeways and Causeway-Stones was kept *among the Accompts of the City-Revenue*; but, Seeing it brought into a Report of the Overseers all at once, as ' a Sum that had been laid out for Causeway-Stones, and re- ' pairing Causeways, from 1st July 1718 to 1st October 1722,' I presumed that it would take some *raking into*, or rummaging through, these four Year's Accompts to collect it; and *that*, I think, is all that any Body will infer from my Expression. But, ' Was that the Thing complain- ' ed of?' No; the Complaint was, ' That it should have been admit- ' ted

(o) One of the Articles for which these Borrowings was made, as set forth in the Report, is the 1920 L. for Expence of the Act of Parliament 1723, metioned in P. 14. of the *History*, and in P. 23. of my Answers to the Condescendance.

(p) There is another Security against any such Anticipation, as the Fund could not answer, provided by the Act, as I understand it, P. 13. of the *Historical Account*: How this was *avowedly* eluded and got over, see the Papers in the Election-Cause 1721. the *Historical Account*, P. 8. and every Bond granted for the borrowed Monies.

'ted as a Debt, without shewing, or saying, that the laying of it out had created a Debt.' And, if that was not the Case, I said, as I thought, that the giving it to the Council, was giving them so much of the Money under the Overseers Trust to be disposed of out-with their Controul; I perhaps argued and inferred wrongfully on the Head, and any Man who thinks so, is welcome for me. I expected, indeed, to have seen it certified, at least, 'That, after the City had thus got the Money back again out of the Two-penny Duty, it was charged on the Treasurer, in his Accounts of the City-Revenue;' and, till that be done, I am afraid that the Point will appear to rest just where it did by the *Historical Account*.

Upon the fifth Head, you give a pretty minute Detail of what was done in Relation to the *Equivalents for the Extension* of the Ale-Duty over the four Parishes which surround the Town, 'To the End,' as you say, 'That all concerned may see how openly and equally the Magistrates and Council behaved, and that there was no Foundation for reflecting on their Conduct in this Matter.' I wish the Detail had been more minute in a few Particulars necessary for shewing that the State I gave of the Facts was a just one, and then I should have past this Article altogether. You'll please, therefore, to observe, That I have affirmed, 'That the *some* Heritors, who entred into the first Submission, were just *twelve*;' That it is dated the 28th of *November* 1722; That every Thing needful here for obtaining the Act of Parliament was finished on the 31st of *December* 1722; That the Act past on the 10th of *April* 1723; That the Day limited for others concerned to come in, under the Pain of total Exclusion, was the 1st of *May* 1723; That the first Bond of Arbitration entred into, after the Act past, is dated 23d *April*, and the others the 24th, 26th, 29th and 30th Days of that Month, and 1st of *May*. And you will be pleased to take Notice of it, if I have committed any Error in these Affirmations, which is all I am concerned about.

Upon the sixth Head, you'll be pleased to observe, That, in my Answers to the City's Condescendance, given in to your Clerk on the 30th of *July* 1752 (q), I had declared, 'That I was fully satisfied, from the Books I had then got Sight of in consequence of your Orders, That the Monies, here mentioned as issued, had been truly applied to pay Burdens on the Ale-Duty when consigned, and That they were therefore justly and regularly charged back upon it, when called for.'

Upon the seventh Head: After a very minute Detail of the Rules settled in Relation to the using of the Cash-Credit established with the Royal Bank

in February 1730, and giving the Plan of the Order which the Provost was to draw on the Bank, you conclude the Detail with saying, ' There are other Plans or Forms,' and then go on to an Opinion precisely conformable to what I had myself given on that Matter, except in so far as you say, ' That the Sum of 3000 L. in this Credit was not put from under the Controul of the Overseers:' For which, and other Reasons, you say, ' That all the Reflexions in my Pamphlet, in Relation to the Cash-Accompt, have no Foundation.' Now, as I did not make one Reflexion on this Score but this, viz. ' That, by the Means of this Cash-Credit, the Overseers had put it in the Power of the City or Council, at any Time, to become posselt of 3000 L. which the Ale-Duty must repay, and make good, let the Council dispose of it as it has a Mind, without their (the Overseers) knowing any Thing of the Matter.' As I gave for the Reason of my saying so, ' That I did not perceive, That the Overseers had any Check on the Council in the drawing out of the Money, nor, That it was any Condition in the Assignment of the Duty made to the Bank, that it should see how the Money, when drawn, was applied.' And, as the Manner in which your Detail ends, as connected with the above quoted Words of the Opinion immediately subjoined, may be said to imply your Affirmation, ' That such Check, or such Condition, lyes in some of the Plans or Forms which you have omitted to set forth specially.' I must intreat, that you'll be explicite on this Point, by setting forth the Nature of these omitted Plans or Forms, or saying, Whether they do, or do not, contain any Thing to the Purpose in Hand? And I would also be glad, that you looked again into the Cash-Accompt, to satisfy yourselves fully in point of Fact, whether *It* has been used for the Behoof of, or in Matters relating to, the Two-penny-Duty *allenarly*.

Your Opinion subjoined to the eighth Article, in so far as it *relates* to the Article, exactly coincides with the Answer I gave to it; and the other Part of it is that which I have treated of already, as the first and principal Head of this my Complaint to you, so that I have no more to add, but, after begging your Excuse for putting you to so much Trouble, To intreat that you would consider the Case as your own, and do as you'd expect I should do by any of you, if our Places were changed, That the Council may know, Whether I am that false Slanderer which I have been represented to be, or not; or, in other Words, *Whether you have discovered, That I have averred any Thing material, in point of Fact, which was not true?* This is what I am principally concerned about, minding very little

little what any Man thinks or says about my Opinions, Arguments, or Inferences.—I am, &c.

P. S. I hope that the Condescendance for the Council, and my Answers, were annexed to your Report, and given in alongst with it, and, That my Letters exhibited by Provost *Drummond*, in your Clerk's Hands, were also given in to the Council.

C O P I E S

O F

SIX LETTERS *from* ANDREW CHALMER
to Provost DRUMMOND; referred to in the fore-
going PAPER.

1st. Dated 6th January 1752.

MY LORD,

I Heard, with some Surprise, and by Accident, this Forenoon, That a Bill, for an Act to prolong the Grant of Two-pennies on the Pint of Ale, was gone up to *London*, in some Form, or with some Attestation, purporting it to be agreeable to the Sentiments of, or consented to by, the Heritors of this County. I do not think, That the Gentlemen, who have given Countenance to this in so hasty a Manner, can answer for it to their Constituents; and I am confident, that a more open and deliberate Method of Procedure would tend more towards procuring the Thing done in an easy and right Way. I have an Interest in that Bill, which needs, in common with some others, to be provided for, in Terms which, I am sure, could not occur to your Lordship, or the Person employed to draw it up, and I never could have thought that I was not to see it. The Gentlemen who have taken on them to signify the Shire's Approbation, say, They signed two Copies, one of which was to ly here for Inspection of their Constituents. I called at the City-Clerk's Office, and found there one of the Clerks, who declared to me, He had it not, nor knows any thing of it. I don't chuse to be going through the Servants in the Office in Quest of it, and therefore give your Lordship the Trouble of this, to beg that you would direct me from whom I
may

to my self a Copy, on Payment of reasonable Fees. I assure your Lordship, I am none of those, if there be any such, that incline to oppose the Continuation of the Grant, as I am sensible that it is absolutely necessary for the very Being and Subsistence of the City, nor shall ever enter into any such Scheme; but I like to see with my own Eyes where I am concerned, and capable to judge—I am, &c.

2d. Dated 7th January 1752.

MY LORD,
The Note with which you honoured me yesternight, was not brought to my House till 11 o'Clock, when I was a-sleep. Your Lordship, on a late publick Occasion, seemed to be very well apprised of what had been said of you, on another which happened about three Years ago, but you seem not to know all that was then said with regard to me, otherways you had not invited me to dine with you on this, and therefore I hope your Lordship will excuse my declining to do myself the Honour (r), which I should otherways think it to be, of waiting upon you in that Shape.

If your Lordship has it in your Power, I have now your Promise, that I shall have the Perusal, and Leave to take a Copy, of the Bill, or have a Copy of it made for me, on Payment of Fees. That is the first Step towards giving me Satisfaction; without it I can have none, and, perhaps, It alone will fully satisfy me. I hope, that such Copy will be afforded me without any Delay, and put in my Power, or Possession, before Twelve o'Clock, otherwise I must be excused for complaining in a Meeting of several Gentlemen of the Shire, which I am then to attend, and for doing what I can, by writing to Members of Parliament, to prevent the Bill's having too speedy a Progress, or, indeed, any at all, till we have a Copy from London, and due Time to consider of it.—I am, &c.

3d. Dated 17th January 1752.

MY LORD,
I am sorry to see that the Petition is presented; but, since that Step is taken, I should be sorry (as I think every Man, who has the smallest good Wish toward the City, should be) that it was not carried through this Session. All I have to wish for now is, *That the Act may be made a good one for the City*, which I do not think it entirely is, on your Plan, abstract from the *West-Kirk* Story, which, I own, I have also at heart,
G upon

(r) I did it notwithstanding, on his pressing Intreaty, that and next Days, by which hang sundry Tales.

‘ upon a Plan that would not hurt the City, nay in the Argument for
 ‘ which the City’s Interest leads it to join me, if I understand the Matter.
 ‘ It will take me some Days to be able to explain myself on these Heads,
 ‘ mean Time, your Lordship has inclosed my Notion of the proper
 ‘ Draught, even on your Plan, and all I have to say of it is, That, if you
 ‘ ever mention it as mine, you would be so good as not to let it be
 ‘ thought that I approve of it as it stands. It might, perhaps, answer your
 ‘ own Intention and Wish in the best Manner, that you would not hur-
 ‘ ry quite so fast, but allow some reasonable Time for getting Satisfaction,
 ‘ and for preparing my *West-Kirk* Plan here.

‘ Mean while, I have furnished some Members with Materials to put
 ‘ a Spoke in the Wheel above, and am preparing more of the Kind,
 ‘ that you perhaps do not think of, nor will know till it is too late, un-
 ‘ less on a fair Footing of a moderate Delay (s). — *I am, &c.*

4th. Dated 21st January 1752.

MY LORD,

‘ I give your Lordship this Trouble, at the Desire, or upon the Sug-
 ‘ gestion, of Mr. *Alexander Chalmers* (t), who tells me, That the Books
 ‘ relating to the Two-pennies on the Pint of Ale are not in his Hands,
 ‘ but in your Lordships, and signifies a Shyness of letting me look into
 ‘ them, though he had them, without a written Order from you——
 ‘ I think the Law prescribes, That these Books should ly, and always be,
 ‘ in a publick Office, open and patent to the Inspection of every Bur-
 ‘ gess of *Edinburgh*, or Heritor of the *Three Lothians*, and that I should
 ‘ not be put under the Necessity of asking as a Favour, the Permission of
 ‘ looking into them: However, I do ask it in that Shape, and hope your
 ‘ Lordship will put the Books into the Hands of the proper Officer, and
 ‘ remove any Scruple he may have against allowing me the Inspection of
 ‘ them in the Way he desires.

‘ I see mention made in the Registers of the *West-Kirk* Session, tho’
 ‘ in a very indistinct Manner, of certain Transactions between the Town-
 ‘ Council and them; in Relation to the Poor of the Suburbs, as distingui-
 ‘ shed from the Poor of their Parish, at various Periods, in Note inclo-
 ‘ ed——I want to look into the Council-Records as to these, and, lest
 ‘ any Objection should be made by the Keeper of them, I also beg the
 ‘ Favour of your Lordship’s Order to obviate that. — *I am, &c.*

5th. Dated

(s) What this was, and how I behaved about it, will be explained in Time and Place conve-
 nient, and thence it will be seen, how tender I was of the City’s Interest, or, at least, how I
 bungled the Matter if I had a Mind to hurt it.

(t) Accomptant to the City, and for the Ale-Duty.

5th. Dated 28th January 1752.

MY LORD,

‘ Since ever this Bill of the City’s was sent up, I had not a Letter
 ‘ from *London*, till within this Hour, though some were due, in Return
 ‘ to mine, ten Days ago—— I am now favoured with two, one from a
 ‘ Member, who, on my writing to him, has had Conversation with Mr.
 ‘ *Ker* on the Subject, and tells me, That the Bill came in on *Thursday*
 ‘ last, quite altered from what it was when it went from this Place; and,
 ‘ That Mr. *Ker* had promised to send me a Copy of it that Night, &c.
 ‘ My other Letter is from Mr. *Ker*, who, after some very general Hints,
 ‘ adds a *Postscript*, signifying, That he had sent a Copy of the Bill to
 ‘ your Lordship “ Which, *says he*, I dare say, he will show you.”

‘ My Friend, I find, secured me of a Copy by exprefs Promise, but
 ‘ I do not find that performed, unless your Lordship gives me the Use
 ‘ of the Copy you have got, and Leave to take a Duplicate of it for
 ‘ myself, and for considering on it. I hope Mr. *Ker* has wrote your
 ‘ Lordship more explicitly upon the Point of giving me a Copy, and
 ‘ that it will be afforded me before Night, lest I should be obliged to
 ‘ say, That Terms have not been kept with my Friend.— *I am, &c.*

6th. Dated 31st January 1752, 3 o’Clock.

MY LORD,

‘ I shall very soon return the Paper, you have, at last, favoured me
 ‘ with—— I suppose, from the Docquet subjoined, that there is no Place
 ‘ left for my saying any Thing on the Subject, in your Lordship’s
 ‘ Reckoning.

‘ Mean time, I beg the further Favour of knowing, from yourself,
 ‘ what are the two Paragraphs, or Particulars, in the *Historical Account*,
 ‘ in which you have been saying to sundry Folks, That the Author has
 ‘ erred, or falsified, in Point of Fact; I’ll answer for him, That, if it be
 ‘ so, you shall have his own Certificate thereupon, which will always
 ‘ do better, and be better believed, than that of any other Man.—
 ‘ *I am, &c.*

N. B. If some Particulars in these Letters seem to require a Key, it
 lies in the Hand of Provost Drummond, or of the City’s Member
 to Parliament.

F I N I S.